RECEIVED
Sep 23 2025
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

J. Mark Hayes, II, Circuit Court Judge

Consolidated Case Nos. 2023-CP-42-01221, 2023-CP-42-01226, 2023-CP-42-01367, 2023-CP-42-01545

Appellate Case No. 2024-001828

South Carolina Native Plant Society, Appellant,

vs.

The Spartanburg County Planning Commission and Blue Sky Associates, LLC, d/b/a T. Tree Farms RV Park, Respondents,

and

The Enclave at Fairview Farm Homeowners' Associations, Inc., Golden Hills of Fairview Homeowners' Association, Inc., Greenspace of Fairview, LLC, North Pacolet Association, Inc., Debra A. Whitaker, Charles D. Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judie R. Klapholz, Trustee of The Judie R. Klapholz Trust, and Slater Properties, Inc., d/b/a/ Caroland Farms, Appellants

vs.

Spartanburg County, SC, Spartanburg County Planning Commission, and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents,

RECORD ON APPEAL
VOLUME 2 OF 3

Frank S. Holleman III
Emily Wyche
Southern Environmental Law Center
525 East Bay Street, Suite 200
Charleston, SC 29403
(843) 720-5270

Attorneys for Appellant

A. Todd Darwin
Todd Russell Flippin
Holcombe Bomar, PA
PO Box 1897
Spartanburg, SC 29304
(864) 594-5300

Attorneys for The Spartanburg County Planning Commission

Alexander George Shissias
The Shissias Law Firm, LLC
1727 Hampton Street
Columbia, SC 29201
(803) 540-3090

Attorney for Blue Sky Associates, LLC

Carl F. Muller
Carl F. Muller, Attorney at Law, P.A.
607 Pendleton Street, Suite 201
Greenville, SC 29601
(864) 991-8904

Attorney for Appellants

Index

Orders, Judgments, Pleadings, and Transcript

	Document	Record Page(s)
1	Order and Opinion, *S.C. Native Plant Society v. Spartanburg County*, Consolidated Case No. 2023-CP-42-01221 (issued Apr. 22, 2024)	00001-00014
2	Order, *S.C. Native Plant Society v. Spartanburg County*, Consolidated Case No. 2023-CP-42-01221 (issued Sept. 26, 2024)	00015-00017
3	Order Denying Motion to Dismiss, *S.C. Native Plant Society v. Spartanburg County*, App. Case No. 2024-001828 (issued Jan. 13, 2025)	00018-00021
4	Order on Motions to Dismiss, *T. Tree Farms RV Park v. SC DHEC,* SC ALC Docket No. 22-ALJ-07-0010-CC (issues Nov. 29, 2022)	00022-00043
5	Notice of Appeal, The Enclave et al. (Apr. 4, 2023)	00044-00094
6	Notice of Appeal & Exhibits, The Enclave et al. (Apr. 27, 2023)	00095-00277
7	Notice of Appeal & Exhibits, S.C. Native Plant Society (Apr. 4, 2023)	00278-00351
8	Notice of Appeal & Exhibits, S.C. Native Plant Society (Apr. 17, 2023)	00352-00477
9	S.C. Native Plant Society Initial Brief, *S.C. Native Plant Society v. Spartanburg County*, Consolidated Case No. 2023-CP-42-01221 (filed Sept. 1, 2023)	00478-00507
10	The Enclave et al. Initial Brief & Exhibits, *S.C. Native Plant Society v. Spartanburg County*, Consolidated Case No. 2023-CP-42-01221 (filed Aug. 31, 2023)	00508-00530
11	S.C. Native Plant Society Reply Brief*, S.C. Native Plant Society v. Spartanburg County*, Consolidated Case No. 2023-CP-42-01221 (filed Oct. 12, 2023)	00531-00548
12	The Enclave et al. Reply Brief & Exhibits, *S.C. Native Plant Society v. Spartanburg County*, Consolidated Case Nob. 2023-CP-42-01221 (filed Oct. 12, 2023)	00549-00580
13	Blue Sky Associates, LLC Rule 59(e) Motion, *S.C. Native Plant Society v. Spartanburg County*, Consolidated Case No. 2023-CP-42-01221 (filed May 1, 2024)	00581-00584
14	Blue Sky Associates, LLC Memorandum in Support of Rule 59(2) Motion, *S.C. Native Plant Society v. Spartanburg County*, Consolidated Case No. 2023-CP-42-01221 (filed July 19, 2024)	00585-00592
15	Motion to Dismiss Appeals, *S.C. Native Plant Society v. Spartanburg County*, App. Case No. 2024-001828 (filed Nov. 20, 2024)	00593-00597
16	Joint Response to Motion to Dismiss Appeals, *S.C. Native Plant Society v. Spartanburg County*, App. Case No. 2024-001828 (filed Dec. 2, 2024)	00598-00628
17	Transcript of September 24, 2024 Hearing (excerpts)	00629-00636

Record Before the Circuit Court

	Document	**Record Page(s)**
18	Spartanburg County Planning Commission, Agenda (Mar. 7, 2023)	00637-00639
19	Fire Plans, Blue Sky Associates, LLC	00640-00656
20	Spartanburg County Planning Commission, Meeting Minutes (Mar. 7, 2023)	00657-00686
21	Spartanburg County Planning Commission, Meeting Minutes (Apr. 4, 2023)	00687-00695
22	Final Agency Decision, Dkt. No. 21-RFR81 (SC DHEC, Jan. 13, 2022)	00696-00700
23	Blue Sky Associates, LLC Application and Site Plans (Jan. 29, 2021 & Mar. 24, 2021)	00701-00703
24	Letter from SELC to SC DHEC Board re: Request for Final Review and Recission of Permits (Oct. 28, 2021)	00704-00706
25	Application, Blue Sky Associates, LLC (Feb. 17, 2023)	00707-00731
26	Site Plan at Planning Commission Meeting, Page 1 (Mar. 7, 2023)	00732
27	Site Plan at Planning Commission Meeting, Page 2 (Mar 7, 2023)	00733
28	Emails to Spartanburg County Planning and Development Department	00734-00735
29	Application for Septic Permit, Blue Sky Associate, LLC (Apr. 2021)	00736
30	Email from Travis Brown, Spartanburg County, to John Harris, Spartanburg County (July 13, 2021)	00737
31	David Hyder, Road Safety Report (Aug. 3, 2021)	00738-00751
32	DHEC, Test Well Permit	00752
33	Developer Answers to Planning Department Questions (Feb. 16, 2023)	00753-00754
34	Developer Answers to Planning Department Questions (Feb. 21, 2023)	00755-00756
35	Cover Letter to Joan Holliday (Feb. 28, 2023)	00757
36	Request for Public Hearing (Feb. 28, 2023)	00758-00866
37	Email from Russ Rock to Spartanburg County re: Planning Commission Agenda (Mar. 4, 2023)	00867
38	Email from Bill Mills to Spartanburg County Planning Commission (Mar. 6, 2023)	00868-00869
39	Items Provided to Spartanburg County Planning Commission (Mar. 7, 2023)	00870-00895

40	Letter from Madelon Wallace to John Harris, Spartanburg County (Mar. 23, 2023)	00896-00899
41	Citizens, Request for Reconsideration Cover Letter (Mar. 28, 2023)	00900
42	Citizens, Request for Reconsideration (Mar. 28, 2023)	00901-00923
43	List of Attachments to Request for Reconsideration (Mar. 28, 2023)	00924
44	Email from Russ Rock to Spartanburg County Planning Commission re: Minutes Correction (May 1, 2023)	00925
45	Emails from Judie Klapholz and Madelon Wallace to J. Holliday and L. MacDonald re: Comfort Stations (Mar. 6, 2023)	00926-00927
46	Water Review Form, Blue Sky Associates, LLCs (Feb. 8, 2023)	00928-00929
47	Spartanburg County Major Land Development Application (Blank)	00930-00931
48	Blue Sky Associates, LLC, Traffic Impact Analysis (June 23, 2021)	00932-00933
49	Mountains-to-Sea Ecological, Goldmine Creek Water Quality Assessment (July 2021)	00934-00967
50	Email from Madelon Wallace to J. Holliday and L. MacDonald (Mar. 6, 2023)	00968-00969
51	Letter from Spartanburg County Planning Commission to Blue Sky Associates, LLC (Mar. 8, 2023)	00970-00971
52	Greenville County Planning Commission, Meeting Minutes (July 2020)	00972-00991
53	401 Certification re: Hexastylis Naniflora at Boulder Creek Subdivision (May 22, 2006)	00992-00999
54	Revised Preliminary Plan (Mar. 1, 2023)	01000-01002
55	SELC, Request for Reconsideration (Mar. 31, 2023)	01003-01012
56	Septic Permit (June 22, 2021) (page 1)	01013
57	Septic Permit (June 22, 2021) (page 2)	01014
58	Site Plan (Feb. 7, 2023)	01015
59	Site Plan (Feb. 16, 2023)	01016
60	T. Tree RV Park Staff Report (Mar. 7, 2023)	01017
61	Updated Preliminary Plat (Feb. 23, 2023)	01018-01020
62	Spartanburg County Unified Land Management Ordinance (excerpts)	01021-01066
63	Spartanburg County Council Rules and Procedures (excerpts)	01067
64	Spartanburg County Planning Commission Rules and Procedures	01068-01073
65	Letter from Spartanburg County Planning Commission to Blue Sky Associates, LLC re: Conditional Approval (Mar. 3, 2021)	01074

66	Affidavit of Dan Whitten	01075-01083
67	Affidavit of Gillian Newberry	01084-01092
68	Affidavit of Rick Huffman	01093-01100
69	Affidavit of L.L. Gaddy	01101-01109
70	Raintree Subdivision Conservation Easement	01110-01118
71	Terra Incognita Report	01119-01121

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG South Carolina Native Plant Society, Appellant, vs. The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01221 **Opening Brief of Appellant South Carolina Native Plant Society**

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG South Carolina Native Plant Society, Appellant, vs. The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01367 **Opening Brief of Appellant South Carolina Native Plant Society**

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01226 **Opening Brief of Appellant South Carolina Native Plant Society**

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01545 **Opening Brief of Appellant South Carolina Native Plant Society**

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

TABLE OF CONTENTS

STATEMENT OF ISSUES ON APPEAL **1**

STATEMENT OF THE CASE **2**

JURISDICTION **9**

STANDARD OF REVIEW **9**

ARGUMENT **10**

I. The Native Plant Society and Its Members Are Parties in Interest, and the Society Can Bring these Appeals for Itself and for Its Members 11

II. The Commission Violated the Ordinance by Conditionally Approving a Site Plan that Does Not Protect the Natural Features and Landscape of the Site 12

III. The Commission Violated the Ordinance by Conditionally Approving an RV Park Site Plan Not Serviced by "Public Water." 16

IV. The Commission Violated the Ordinance by Conditionally Approving an RV Park Not Serviced by a Sewage System "Approved by DHEC." 17

V. The Commission Violated the Ordinance by Conditionally Approving an RV Park Site Plan with no Comfort Stations. 20

VI. The Commission Abused Its Discretion and Acted Arbitrarily and Capriciously When it Failed to Reconsider Its Illegal Action.. 21

VII. The Commission Acted Arbitrarily and Capriciously and Abused Its Discretion When it Granted Conditional Approval of the Site Plan and Failed to Reconsider This Approval Without Addressing These Violations of the Ordinance... 23

VIII. The Commission Granted No Variance as to Any of These Requirements... 24

CONCLUSION **25**

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

TABLE OF AUTHORITIES

Cases

Citizens for Quality Rural Living, Inc. v. Greenville Cty. Planning Comm'n,
426 S.C. 97 (Ct. App. 2019) 11

Grays Hill Baptist Church v. Beaufort County,
431 S.C. 630 (2020) 9, 16, 17, 22

Kurschner v. City of Camden Planning Commission,
376 S.C. 165 (2008) 9

Preservation Society of Charleston v. SCDHEC,
430 S.C. 200 (2020) 11

T. Tree Farms RV Park v. SCDHEC,
Dkt. No. 22-ALJ-07-0010-CC (S.C. ALC Nov. 29. 2022) 6, 13, 18

Statutes

16 U.S.C. § 1531 ..... 3, 13

S.C. Code § 6-29-1150(B) 24

S.C. Code § 6-29-1150(C) and (D) 11

S.C. Code § 6-29-1150(D)(1) 9

S.C. Code § 44-1-20 18

Other Authorities

DHEC Board, Final Agency Decision on Docket No. 21-RFR-81 5

Ordinance Article 6 ..... 13, 25

Ordinance Preamble ..... *passim*

Ordinance § 1.01 14

Ordinance § 1.02 25

Ordinance § 1.03 25

Ordinance § 1.04 25

Ordinance § 1.06 25

Ordinance § 3.13 ..... 2, 10, 23

Ordinance § 3.13 (2) ..... *passim*

Ordinance § 3.13 (4) 6, 20, 21

Ordinance § 3.13 (8) 4, 16, 17, 19

Ordinance § 5.01 25

Ordinance § 5.02 25

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATEMENT OF ISSUES ON APPEAL

1. Did the Spartanburg County Planning Commission (the "Commission") violate the County's Unified Land Management Ordinance (the "Ordinance"), abuse its discretion, and act arbitrarily and capriciously when it granted conditional approval of the T. Tree Farms RV Park (the "RV Park") site plan without protecting an "ecologically sensitive area" and "preserv[ing] natural features and landscape" as required by the Ordinance?
2. Did the Commission violate the Ordinance, abuse its discretion, and act arbitrarily and capriciously in granting conditional approval when the RV Park will not be "serviced by public water" as required by the Ordinance?
3. Did the Commission violate the Ordinance, abuse its discretion, and act arbitrarily and capriciously in granting conditional approval when the RV Park will not be serviced by "sewer or other systems approved by DHEC" as required by the Ordinance, since the DHEC Board rejected the proposed septic system for the RV Park that would have less than half the required treatment capacity for the RV Park?
4. Did the Commission violate the Ordinance, abuse its discretion, and act arbitrarily and capriciously when it granted conditional approval for the site plan for the RV Park with no comfort stations despite the Ordinance requiring comfort stations?
5. Did the Commission act arbitrarily and capriciously and abuse its discretion when it decided not to reconsider its conditional approval in light of these violations of the Ordinance?
6. Did the Commission act arbitrarily and capriciously and abuse its discretion when it granted conditional approval of the site plan for the RV Park and decided not to reconsider its grant of conditional approval without setting out the reasons for either the grant of conditional approval or decision not to reconsider and did not address the violations of the Ordinance or the other issues raised in opposition to the site plan?

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATEMENT OF THE CASE

Respondent Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park ("Blue Sky") proposes to construct an RV park in Campobello, South Carolina. The proposed site for the RV Park is among properties in Campobello that are protected by their owners through conservation easements. Blue Sky is required to obtain approval from the Commission for the proposed RV Park and must comply with the Spartanburg County Unified Land Management Ordinance.[1]

Applications. Blue Sky first applied for approval of its RV Park site plan with the Commission on January 29, 2021. Blue Sky, Major Land Development Application (Jan. 29, 2021) (App. A at 1). The Commission conditionally approved Blue Sky's 2021 application; however, one of the conditions required that the RV Park be supplied by a public water system, Inman Campobello Water ("ICW"). Commission Conditional Approval (Mar. 3, 2021) (App. A at 3). Because Blue Sky could not obtain public water for the RV Park, it submitted a new application in February 2023. Blue Sky, Application at 2 (Feb. 7, 2023) (App. A at 5) (selecting "well"); *see also* Planning & Development Project Form (Feb. 8, 2023) (App. A at 29) (explaining change from public water to well). Aside from changing the water supply from public water to well, the 2023 and 2021 applications were in substance the same.

The Ordinance. The governing Ordinance begins by stating a fundamental purpose for the Commission's work: protecting "ecologically sensitive areas." Ordinance Preamble (App. A at 35). The Ordinance contains a section dedicated to "Camps and Recreational Vehicle Parks," Ordinance § 3.13 (App. A at 42), which sets out requirements for Blue Sky's application and the Commission's consideration of RV park applications.

[1] *See* Unified Land Management Ordinance (adopted Dec. 31, 1999), available at https://www.spartanburgcounty.org/DocumentCenter/View/13622/ULMO---Amendment-Dates-Added---03-02-2023?bidId= (excerpts included in App. A at 30–47).

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Natural Features and Landscape. In Section 3.13 (2), the Ordinance specifically requires that all RV parks "preserve natural features and landscape." (App. A at 42). The proposed RV Park site is in habitat for one of the nation's rarest plants, *Hexastylis naniflora* (Dwarf-flower Heartleaf). This species is protected as a Threatened Species under the federal Endangered Species Act, 16 U.S.C. §§ 1531 *et seq*., and it has been designated a Highest Priority Species by the South Carolina Department of Natural Resources ("SCDNR") in South Carolina's State Wildlife Action Plan.[2] Dwarf-flower Heartleaf is found in only limited areas within just three South Carolina counties—Greenville, Spartanburg, and Cherokee—and in nearby North Carolina Piedmont Counties. Within that restricted geography, the species is found only in some areas with special soil types and moist, rich forests near streams, lakes, or wetlands. In Spartanburg County, SCDNR has established the Peters Creek Heritage Preserve to protect one area where the plant is found. Mountains-to-Sea Ecological, Goldmine Creek Water Quality Assessment at 19, 22 (July 2021) (App. A at 48, 66, 69); terra incognita, Report on Proposed RV Park, *Hexastylis naniflora* (Dec. 17, 2021) (App. A at 82–83).; Newberry Aff. ¶¶ 10–12 (App. B); Gaddy Aff. ¶¶ 8–9, 11, 18–19 (App. C); Whitten Aff. ¶¶ 6, 10, 13 (App. D); Huffman Aff. ¶¶ 7, 13 (App. E).

Development plans in the Upstate have been denied or altered because of the presence of this rare species. For example, the Greenville County Planning Commission rejected a proposed subdivision plan in Travelers Rest because the development would have damaged forested habitat for Dwarf-flower Heartleaf, and in at least two instances (in Greer and in Spartanburg) subdivision developers were required to set aside portions of development sites to protect Dwarf-

[2] S.C. Dep't of Nat. Res., South Carolina's State wildlife Action Plan (SWAP) at 2–9 (Oct. 14, 2014), https://www.dnr.sc.gov/swap/main/2015StateWildlifeActionPlan-chaptersonly.pdf; *see also* Gaddy Aff. ¶ 8; Newberry Aff. ¶ 11.

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

flower Heartleaf and its habitat. *See* Greenville County Planning Comm'n, Meeting Minutes at 1-4 (July 22, 2020) (App. A at 84–87); Raintree Subdivision Conservation Easement (Aug. 14, 1992) (App. A at 104–12); Documents related to Boulder Creek Subdivision at 1–3 (App. A at 113–115) (requiring permittee to abide by measures to protect Dwarf-flower heartleaf identified on site).

Despite the express requirements in Section 3.13 (2), nowhere in its applications or materials shared with the Commission has Blue Sky provided a plant survey for the site or included any measures to preserve these important "natural features"—the rare plant and its rare habitat. *See, e.g.*, Blue Sky, Major Land Development Application (Jan. 29, 2021) (App. A at 1); Blue Sky, Application (Feb. 17, 2023) (App. A at 4–8). In fact, Blue Sky has done just the opposite. It proposes to construct the RV Park within the habitat of the plant, including RV spaces, stormwater infrastructure with a detention pond, and a septic field. Blue Sky, Overall Site Plan (Mar. 1, 2023) (App. A at 120–21).

Public Water. In addition to requiring RV park site plans to preserve natural features and landscape, the Ordinance also requires that RV parks be "serviced by public water." Ordinance § 3.13 (8) (App. A at 42). After Blue Sky was unable to obtain public water, it submitted a new 2023 application that, contrary to the Ordinance, services the RV Park with a well that withdraws groundwater from the site, further threatening the rare plant's habitat.

DHEC Board Rejection of Septic System. Section 3.13 also requires that RV parks be serviced by "sewer or other systems approved by DHEC." Ordinance § 3.13 (8) (App. A at 42). Blue Sky provided in its 2021 application for a septic system and applied to the South Carolina Department of Health and Environmental Control ("DHEC") for a septic permit. Blue Sky, Major Land Development Application (Jan. 29, 2021) (App. A at 1); *see* DHEC Board, Final

Agency Decision on Docket No. 21-RFR-81 at 1–2 (Jan. 13, 2022) ("DHEC Board Decision") (App. A at 123-24). Initially, DHEC staff issued a permit for the septic system proposed by Blue Sky. Thereafter, local residents and homeowners' associations (collectively, the "HOAs") sought review of the permit by the DHEC Board, whose members are nominated by the Governor and confirmed by the Senate.

The DHEC Board granted the HOAs' request for a final review conference. During the DHEC Board's review, the appellant here, the South Carolina Native Plant Society, also opposed the staff permit and submitted a memo to the DHEC Board explaining the adverse impacts that the proposed septic system would have to Dwarf-flower Heartleaf and its habitat on and near the property. Southern Environmental Law Center, Letter in Support of Request for Final Review and Recission of Permit to Construct Onsite Wastewater System (Oct. 28, 2021) (App. A at 221–23). The Native Plant Society was represented at the review conference, and its attorney spoke at the review conference in opposition to the permit.

On January 13, 2022, the DHEC Board rejected Blue Sky's permit as issued by staff. DHEC's applicable regulation required Blue Sky to design a septic system for a peak sewage flow per unit per day of 120 gallons, *see* S.C. Code Reg. 61-56.501, but Blue Sky sought a permit for flow of only 50.19 gallons. DHEC Board Decision at 2 (App. A at 124). Blue Sky tried for this reduction by pointing to the flows at a KOA campground in Travelers Rest. *Id.* (App. A at 124). Although the regulation does allow for a reduced peak flow where data is provided from "similar establishments in similar locations," S.C. Code Reg. 61-56.501, the DHEC Board found that the KOA campground was not a "similar establishment" to the proposed RV Park. DHEC Board Decision at 2–3 (App. A at 124–25). Accordingly, the Board concluded that the permit violated the regulatory requirement and rejected Blue Sky's septic permit, with

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

the result that the RV Park's system must be able to treat a peak sewage flow of 120 gallons per unit per day, more than twice what Blue Sky had designed its system to treat. *Id.* (App. A at 124–25).

Subsequently, Blue Sky appealed the DHEC Board's decision to the Administrative Law Court ("ALC"). On November 29, 2022, the ALC overturned the DHEC Board's decision by finding that the groups who challenged the permit filed their request for DHEC Board review too late, even though the DHEC Board had considered and granted the request. *See* Order on Motions to Dismiss, *T. Tree Farms RV Park v. S.C. Dep't of Health and Envtl. Ctrl.*, Dkt. No. 22-ALJ-07-0010-CC at 1, 10, 20–21 (S.C. ALC Nov. 29. 2022). Importantly, though, the ALC did not question or address the DHEC Board's substantive finding that the proposed septic system had less than half the treatment capacity required for the RV Park. *See generally, id.* at 1–20 (App. A at 127–47). The ALC's decision on timing has been appealed to the Court of Appeals, and the case is pending. Based on the ALC's timing decision, Blue Sky's 2023 application provides for the RV Park to be served by the septic system permitted by DHEC staff despite the DHEC Board's finding that the system has less than half the required treatment capacity. Blue Sky, Application (Feb. 17, 2023) (App. A at 5); *see also* Commission Meeting Minutes at 29 (Mar. 7, 2023) (App. A at 177).

Comfort Stations. Last, the Ordinance contains another protective provision requiring that "[n]o [RV park] site shall be located less than . . . 300 feet from a comfort station." Ordinance § 3.13 (4) (App. A at 42). The 2023 site plan contains no comfort stations. Blue Sky, Overall Site Plan (Mar. 7, 2023) (App. A at 120–21); *see also* Commission Meeting Minutes at 19 (Mar. 7, 2023) (App. A at 167).

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Commission Decisions. Many materials were submitted to the Commission objecting to the proposed site plan for the RV Park, including objections concerning rare plants, environmental impacts, the proposed septic system, the lack of public water service, and the absence of comfort stations, among others. *See, e.g.*, Concerned Citizens, Request for Public Hearing at 1-4 (Feb. 28, 2023) (App. A at 179–83). The Commission considered Blue Sky's application at its March 7, 2023, meeting. Commission Agenda at 3 (Mar. 7, 2023) (App. A at 186). The Commission refused to hold a public hearing on the proposal and at first denied anyone permission to speak concerning Blue Sky's application. *See* Commission Meeting Minutes at 20 (Mar. 7, 2023) (App. A at 168). The Commission deferred action on Blue Sky's application until the end of its meeting and allowed one representative of the HOAs to speak five minutes only. *Id.* at 22, 28 (App. A at 170, 176). The Commission refused his request to allow others to speak, and the Native Plant Society's representative was not given an opportunity speak at the meeting. *Id.* (App. A at 176).

In a split vote, the Commission voted 6-2 to approve Blue Sky's site plan, with standard conditions that Blue Sky obtain approvals from Spartanburg County Public Works for engineering, stormwater, and encroachment and from DHEC for well construction and with the condition that Blue Sky withdraw the earlier 2021 application. *Id.* at 30 (App. A at 178). The approval contained no condition relating to the ecological factors of the site or the site's natural features and landscape and contained no conditions to protect the protected and threatened Dwarf-flower Heartleaf and its habitat. The approval contained no mention of these factors or the Ordinance's requirements for RV Parks. The approval also did not recognize the DHEC Board decision on the septic system's lack of capacity and did not require comfort stations at the site. The approval did not include any explanation for the Commission's decision.

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

On March 31, 2023, the Native Plant Society asked the Commission to reconsider its decision and set out the violations of the Ordinance's provisions regarding "ecologically sensitive areas," "natural features and landscape," "public water," "sewer or other systems approved by DHEC," and "comfort stations." Southern Environmental Law Center, Reconsideration of Conditional Approval for the Site Plan of T. Tree Farm RV Park of Blue Sky, LLC (Mar. 31, 2023) (App. A at 187–93). The Commission's rules specifically provide for reconsideration of its decisions. *See* Commission Rules & Procedures, Article II, § 5 (App. A at 195); Spartanburg County Council Rules & Procedures, § 12-4 (App. A at 211). At its next meeting on April 4, 2023, the Commission decided not to reconsider its conditional approval of the RV Park site plan. *See* Commission Meeting Minutes (Apr. 4, 2023) (App. A at 212–20). As with its conditional approval, the Commission did not provide any explanation for its decision not to reconsider its conditional approval, nor did it mention anything about the site's natural features, ecological sensitive conditions, or landscape. The Commission did not mention any of the Ordinance violations.

Appeals. On April 4, 2023, the Native Plant Society filed its appeal of the Commission's March 7, 2023 decision and served the pleadings on Blue Sky on April 5, 2023; the Commission accepted service on April 6, 2023. Notice of Appeal, *S.C. Native Plant Soc. v. Spartanburg Cty. Planning Comm'n*, No. 2023-CP-42-1221 (filed April 4, 2023); Aff. of Service, *S.C. Native Plant Soc. v. Spartanburg Cty. Planning Comm'n*, No. 2023-CP-42-1221 (filed Apr. 12, 2023); Acceptance of Service, *S.C. Native Plant Soc. v. Spartanburg Cty. Planning Comm'n*, No. 2023-CP-42-1221 (filed Apr. 12, 2023). On April 17, 2023, the Society filed its appeal of the Commission's April 4, 2023 decision not to reconsider its March 7 decision and served the pleadings on Blue Sky on April 26, 2023; the Commission accepted service on April 21, 2023.

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Notice of Appeal, *S.C. Native Plant Soc. v. Spartanburg Cty. Planning Comm'n*, No. 2023-CP-42-1367 (filed April 17, 2023); Aff. of Service, *S.C. Native Plant Soc. v. Spartanburg Cty. Planning Comm'n*, No. 2023-CP-42-1367 (filed May 2, 2023); Acceptance of Service, *S.C. Native Plant Soc. v. Spartanburg Cty. Planning Comm'n*, No. 2023-CP-42-1367 (filed May 3, 2023). These two appeals, along with two appeals filed by the HOAs challenging the same Commission decisions, were consolidated by this Court on July 11, 2023. Order on Motion to Consolidate, *S.C. Native Plant Soc. v. Spartanburg Cty. Planning Comm'n*, No. 2023-CP-42-1221 (filed July 3, 2023).

JURISDICTION

This Court has jurisdiction pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act. S.C. Code Ann. § 6-29-1150(D)(1).

STANDARD OF REVIEW

A decision of a county planning commission will be overturned on appeal when "it is based on errors of law," when it is "arbitrary" or "capricious," where the commission "acts arbitrarily or unreasonably," where the commission "has abused its discretion," or when the Commission "has committed an error of law." *Grays Hill Baptist Church v. Beaufort County*, 431 S.C. 630, 637 (2020) (reversing decision of county planning commission because of violations of county ordinance); *Kurschner v. City of Camden Planning Commission*, 376 S.C. 165, 173–174 (2008). The Native Plant Society's appeals do not invoke the "any evidence" standard, *Kurschner*, 376 S.C. at 174, because these appeals do not challenge the weight of the evidence before the Commission, but rather the Commission's failure to abide by the express terms of the Ordinance and its failure to even acknowledge or discuss governing provisions of the Ordinance.

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ARGUMENT

In March 2023, the Commission conditionally approved Blue Sky's proposed RV Park site plan. In doing so, the Commission entirely disregarded multiple requirements set out in the Spartanburg County Unified Land Management Ordinance governing the approval of RV parks. The Ordinance was promulgated to protect and preserve ecologically sensitive areas and protect public health in Spartanburg County. *See* Ordinance Preamble (App. A at 35). The Ordinance sets forth clear and simple requirements for RV parks to further these fundamental purposes. *See* Ordinance § 3.13 (App. A at 42). In particular, the Ordinance requires that RV park site plans preserve natural features and landscapes, requires that RV parks be serviced by public water, requires that RV parks be served by sewer or other systems approved by DHEC, and requires that RV parks provide comfort stations. *See id.*

Yet, the Commission approved a site plan that makes no effort to protect the site's special ecologically sensitive features and that makes no mention of or effort to preserve the natural features and landscape of the site. The Commission approved an RV Park that is serviced by well water rather than public water; that is serviced that a septic system that DHEC's highest authority has concluded has less than half the capacity required for the RV Park; and that has no comfort stations. The Commission provided no explanation for its decisions to disregard the Ordinance requirements and conditionally approve the RV Park site plan. And when given the opportunity to reconsider this unlawful decision, it decided not to do so.

These appeals do not contest whether the Commission properly weighed competing evidence in reaching its decision. Instead, these appeals challenge the Commission's complete disregard for Ordinance requirements that the Commission has a duty to enforce.

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

I. The Native Plant Society and Its Members Are Parties in Interest, and the Society Can Bring these Appeals for Itself and for Its Members.

Any party in interest has standing to contest a county planning commission decision. S.C. Code § 6-29-1150(C) and (D); *Citizens for Quality Rural Living, Inc. v. Greenville County Planning Commission*, 426 S.C. 97, 106–07 (Ct. App. 2019). An organization with members who have environmental concerns about a development approved by a county planning commission is a party in interest and has standing to appeal a county planning commission decision. *Id*. at 101, 112 (finding that an organization was a party in interest and had standing to appeal when it included members who "expressed concern over . . . environmental problems that could result from the subdivision"). Further, an organization has organizational standing to sue on behalf of its members when at least one member would have standing in his or her own right, the interests are germane to the organization's purpose, and the claim and relief requested do not require participation of the members. *Preservation Society of Charleston v. South Carolina Department of Health & Environmental Control,* 430 S.C. 200, 211 (2020).

The mission of the Native Plant Society is "the preservation and protection of native plant communities in South Carolina." Huffman Aff. ¶ 6. As set out in the attached affidavits, *see* Apps. B–E, the Native Plant Society and its members have worked for years to protect Dwarf-flower Heartleaf, for which South Carolina has a particular responsibility since much of its extremely limited habitat is in three Upstate South Carolina counties. *Id.* ¶ 7. Before the Greenville County Planning Commission, the Society successfully opposed a development that would have damaged a forest in Travelers Rest where the plant is found, *id.* ¶ 8; has made the plant a topic of its meetings, Newberry Aff. ¶ 8; has conducted surveys for the plant, Huffman Aff. ¶ 8; and has worked to restore habitat for the plant, *id*. The Society's members include scientists and naturalists who have studied Dwarf-flower Heartleaf for decades, who have

published scientific studies of the plant, who have surveyed for Dwarf-flower Heartleaf, who helped create the Peters Creek Heritage Preserve, who have protected the plant's habitat, who have contributed financially to protect Dwarf-flower Heartleaf, and who have removed exotic species that invaded the plant's habitat. *See* Whitten Aff. ¶¶ 2–4, 7–8; Newberry Aff. ¶¶ 2–7, 10, 19; Gaddy Aff. ¶¶ 2–7, 22. The Society has worked in and has members in Spartanburg County, and its Spartanburg County members include a professor and a naturalist who have studied and worked for decades to preserve the Dwarf-flower Heartleaf, including in Spartanburg County. *See, e.g.*, Whitten Aff. ¶ 1–4; Newberry Aff. ¶ 1–3. In sum, the Society and its members have worked for years to protect this rare plant to ensure it does not disappear from South Carolina's landscape.

To protect the rare plant and its habitat, the Society has been part of the proceedings contesting this RV Park. *See, e.g.*, Southern Environmental Law Center, Letter in Support of Request for Final Review and Recission of Permit to Construct Onsite Wastewater System (Oct. 28, 2021) (App. A at 221–23). The Society appeared before the DHEC Board to object to the proposed septic permit, was represented at the Commission's meetings, and submitted materials to the Commission relating to the rare plant and its habitat on the site and the Ordinance violations.

For these reasons, the Society and its members are parties in interest and the Society has standing on its own behalf and on behalf of its members to bring this appeal.

II. The Commission Violated the Ordinance by Conditionally Approving a Site Plan that Does Not Protect the Natural Features and Landscape of the Site.

The Spartanburg County Unified Land Management Ordinance begins by declaring that one of its fundamental purposes is to protect "**ecologically sensitive areas**." Ordinance Preamble

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

(App. A at 35) (emphasis added). The Ordinance's RV Park section carries out that purpose by setting out an ecological requirement:

> "**The [RV Park] site shall be developed in a manner that preserves natural features and landscape."**

Ordinance § 3.13 (2) (App. A at 42) (emphasis added). This is a mandatory requirement. It is written broadly, to ensure that "natural features" "shall be" "preserve[d]." The Ordinance makes clear that "[t]he word 'shall' is always mandatory." Ordinance Article 6. The Planning Commission entirely disregarded this requirement when it conditionally approved the proposed RV Park.

The RV Park site is part of one of the most "ecologically sensitive areas" in Spartanburg County and, for that matter, South Carolina. The site is surrounded by land that has been placed under conservation easements. It contains a population of one of nation's rarest plants, a species that is protected by the national Endangered Species Act, 16 U.S.C. §§1531 *et seq*. The plant is designated a Highest Priority Species by the South Carolina Department of Natural Resources in the state's Wildlife Action Plan. SC DNR has gone so far as to establish a Heritage Preserve in Spartanburg County to protect another population of this species.

Individual plants of this rare species live for decades and can be as much as 100 years old. Newberry Aff. ¶ 10. Once a plant is lost, it is unlikely ever to be replaced. Its habitat is limited to a few Carolina Piedmont counties—only three in South Carolina. *Id.* And within those counties, the plant exists only in a restricted geography and in that restricted geography only on sites that have the hydrology, soils, and associated forest plant communities that are essential to its habitat. Whitten Aff. ¶ 6. In addition to this very limited habitat, the plant populations spread very slowly through the movement of seeds by ants, and scientists believe that the species has probably occupied all the acceptable habitat that exists. *Id.* ¶ 13.

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Consequently, when plants are lost and habitat is destroyed, they will not be replaced elsewhere; their loss is permanent and irreplaceable. *Id.*; Newberry Aff. ¶ 18; Huffman Aff. ¶ 13.

The forest on the RV Park site is habitat for this rare species, and the forest itself is a rare natural feature of the site—a moist forest in the right location and geography and with the soils and hydrology to support this plant's very demanding habitat requirements. Whitten Aff. ¶ 14; Newberry Aff. ¶¶ 13–14; Gaddy Aff. ¶¶ 10–12; Huffman Aff. ¶ 11. The site's forest is part of a larger forest along Goldmine Creek, which is habitat for and contains populations of Dwarf-flower Heartleaf. Whitten Aff. ¶ 14; Newberry Aff. ¶¶ 13–14; Gaddy Aff. ¶ 12; Huffman Aff. ¶ 11. Goldmine Creek is itself a Piedmont stream of unusual quality and ecological value. Mountains-to-Sea Ecological, Goldmine Creek Water Quality Assessment at 5 (July 2021) (App. A at 53).

Despite these unique ecologically sensitive natural features and this habitat for one of the nation's rarest plants, Blue Sky's application and its site plan contain nothing designed to protect the plant and its habitat. No plant survey has been done to identify the plants, the plant's habitat on the site has not been delineated or studied, the site plan does not set aside areas for the plant, and it does not contain barriers to protect the plants and their habitat from disturbance, runoff, siltation, construction activities, or RV Park users. *See* Ordinance § 1.01 (App. A at 36) ("It shall be the responsibility of an applicant to provide the required information to process a permit application [and] secure or renew a license"). Instead, the site plan proposes to construct stormwater infrastructure in the plant's habitat, including a detention pond that discharges into Goldmine Creek, and places a septic system in the forest. *See* Huffman Aff. ¶ 12; Gaddy Aff. ¶ 13–14; Newberry Aff. ¶ 15; Whitten Aff. ¶¶ 15–16. The site plan indicates that the RV sites themselves will be built down the hillside into the habitat of the rare species. *See* Blue Sky,

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Overall Site Plan (Mar. 7, 2023) (App. A at 120–21).

In addition, the water and sewer systems for the RV Park have been designed without taking steps to preserve the rare plants and their habitat. Instead of a public water supply originating from off the site, the RV Park will be serviced by a well which will withdraw groundwater from the site. The rare plants and their habitat depend upon the groundwater and hydrology of the site, which will be disrupted by the well system. *See* Huffman Aff. ¶ 14; Gaddy Aff. ¶ 16; Newberry Aff. ¶ 17; Whitten Aff. ¶ 17. No studies have been done to determine the impact of this change on this ecologically sensitive area and this rare species.

Likewise, the RV Park will not be served by public sewer, but by an onsite septic system. This system will discharge into the groundwater on which the rare plant and its habitat depend. *See* Huffman Aff. ¶ 14; Gaddy Aff. ¶ 16; Newberry Aff. ¶ 17; Whitten Aff. ¶ 17. The DHEC Board has determined that this septic system has less than half the capacity that is required to treat the sewage from the RV Park. DHEC Board Decision at 2–3 (App. A at 122–26). The effluent from this inadequate septic system will flow into the groundwater, which is a fundamental part of this ecologically sensitive area and rare plant habitat. Yet, Blue Sky has failed to provide for a septic system that complies with the DHEC Board's determination and has not conducted any studies to determine the impact that the on-site sewage discharges will have on the plants and their habitat.

Through its conditional approval, the Commission accepted this site plan as presented—that is, a site plan that entirely disregards and in turn harms the natural features, landscape, and ecologically sensitive features of the property. The Commission also made no mention of the natural features of the site or the ecologically sensitive area and did not even recognize these mandatory and controlling provisions of the Ordinance. *See* Ordinance Preamble, § 3.13 (2)

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

(App. A at 42). During the Commission meetings, there was no discussion of these issues whatsoever. When it placed conditions on the approval, the Commission included only routine approvals by Spartanburg County and DHEC for engineering, encroachment, stormwater, and the well. There are no conditions for preservation of the natural features, no conditions to protect the plants, and no conditions to preserve the plant's ecologically sensitive and unique habitat. No plant survey, hydrological studies, protective barriers, habitat set aside, or anything related to the natural features or ecological sensitivities are required. The Commission simply ignored Section 3.13 (2) of the Ordinance.

In short, the Commission acted unlawfully; it also acted arbitrarily and capriciously and abused its discretion. The Commission is bound by the Ordinance. This RV Park must preserve the natural features of the site, as the Ordinance requires. *See* Ordinance § 3.13 (2) (App. A at 42). The site plan and the Commission's conditional approval do not comply with these requirements and in fact will destroy natural features, including the plant's habitat, and will likely destroy rare plants, forever. Thus, there also is no evidence in the record to support approval of site plan with its failure to preserve these natural features of the site. *See Grays Hill*, 431 S.C. at 641 (rejecting Commission decision where there was no record evidence to support it). For these reasons alone, the Commission's conditional approval must be reversed.

III. The Commission Violated the Ordinance by Conditionally Approving an RV Park Site Plan Not Serviced by "Public Water."

The Ordinance contains another mandatory provision which further protects the ecologically sensitive features of properties proposed to be used for RV Parks. "**Each park site shall be serviced by public water**. . . ." Ordinance § 3.13 (8) (App. A at 42) (emphasis added).

In 2021, Blue Sky recognized this Ordinance requirement. Its application provided for public water provided by the Inman Campobello Water District. Blue Sky, Major Land

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Development Application (Jan. 29, 2021) (App. A at 1). When Blue Sky could not obtain public water, it filed a new application in 2023 that provided for a well instead of "public water." *See* Planning & Development Project Form (Feb. 8, 2023) (App. A at 29) (explaining change).

When the Commission conditionally approved the 2023 application, it violated this provision of the Ordinance by approving an RV Park serviced by well water. The Ordinance does not allow for "public *or well* water." It expressly allows an RV park to be serviced only by "public water." Ordinance § 3.13 (8) (App. A at 42). The Commission is bound by the Ordinance and is not free to disregard its terms. *Grays Hill*, 431 S.C. at 637. The Commission's conditional approval expressly allowed the RV Park to be serviced by a well and is conditioned upon a well permit. *See* Commission Conditional Approval (Mar. 8, 2023) (App. A at 224). The Commission cannot disregard the Ordinance or allow any kind of water service for an RV park other than "public water." It cannot condition a site approval with an illegal condition that violates the Ordinance. By this action, the Commission again simply disregarded the Ordinance and approved this site plan despite its open and acknowledged failure to obtain public water in violation of the Ordinance's plain language. Also, thereby there is no evidence in the record to support an approval of this site plan given this violation of Section 3.13 (8) of the Ordinance. *See Grays Hill*, 431 S.C. at 641.

IV. The Commission Violated the Ordinance by Conditionally Approving an RV Park Not Serviced by a Sewage System "Approved by DHEC."

The Ordinance also contains a provision to ensure that RV Parks are serviced by protective and adequate sewer systems. The Ordinance sets out that RV Parks "**shall be serviced**" by "**sewer or other systems approved by DHEC**." Ordinance § 3.13 (8) (App. A at 42) (emphases added). Like the other Ordinance provisions, this subsection sets out a mandatory requirement. The DHEC Board is the highest and governing authority of DHEC; it is the

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ultimately responsible agency authority, appointed by the Governor and confirmed by the Senate. S.C. Code § 44-1-20. The DHEC Board has decided that the septic system contained in Blue Sky's site plan has less than half the treatment capacity required for the RV Park. DHEC Board Decision at 2–3 (App. A at 124–25).

DHEC staff had accepted Blue Sky's proposed permit with a much smaller treatment capacity based on Blue Sky's claim that a Greenville County KOA campground is comparable to this proposed RV Park of 49 sites for large RVs and their users. *Id.* (App. A at 124–25). The DHEC Board rejected this attempt to evade the regulatorily required capacity and held that the RV Park must be serviced by a septic system with over twice the capacity proposed by Blue Sky. *Id.* (App. A at 124–25).

Yet, the Commission approved the site plan using the septic system that the DHEC Board rejected. *See* Commission Meeting Minutes at 28 (Mar. 7, 2023) (App. A at 176) (local resident explaining the septic permit issue to the Commission). Thereby, the Commission approved an RV Park that will have a sewer system with half the capacity that the DHEC Board determined that the standards require.

Although the Commission did not explain its decision, the minutes indicate that the Commission approved the site plan on the assumption that the permit issued by the DHEC staff was enough to comply with the Ordinance. *Id*. at 29–30 (App. A at 177–78). The DHEC staff decision has been technically reinstated only because the ALC determined that the request for DHEC Board review of the DHEC staff's decision was filed late. *See* Order on Motions to Dismiss, *T. Tree Farms RV Park v. S.C. Dep't of Health and Envtl. Ctrl.*, Dkt. No. 22-ALJ-07-0010-CC (S.C. ALC Nov. 29. 2022) (App. A at 127–48). The ALC did not address or question the DHEC Board's substantive finding that the RV Park's septic system has less than half the

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

required treatment capacity. *Id.* (App. A at 127–48). The ALC's decision is before the Court of Appeals.

Consequently, the RV Park as approved by the Commission is serviced by a septic system that the DHEC Board has rejected as regulatorily inadequate, and that substantive DHEC Board decision has not been overturned. The staff-approved permit was only reinstated on a procedural technicality, not on a subsequent finding of adequacy. The Ordinance requires a system "approved by DHEC." *See* Ordinance § 3.13 (8) (App. A at 42). DHEC, through its highest authority, has disapproved, not "approved," Blue Sky's septic system; the DHEC Board has rejected Blue Sky's septic system and found it to be seriously under the required capacity.

The plain language of the Ordinance governs, not the language that Blue Sky or anyone else would prefer that the Ordinance contain. The Ordinance as written carries out the fundamental purposes of the Ordinance—to protect "ecologically sensitive areas," including the "natural features and landscape" of RV Park sites, "public health [and] safety," users of RV parks, and the surrounding community. Ordinance Preamble, § 3.13 (2) (App. A at 35, 42). It would undercut the essential purposes of the Ordinance to rewrite it to approve a system the DHEC Board found to be inadequate based on a mere timing technicality. The Ordinance does not allow "a system with a currently-valid permit from DHEC" or "a system approved by DHEC staff." Instead, the Ordinance by its plain language requires a system "approved by DHEC." Ordinance § 3.13 (8) (App. A at 42).

Here, DHEC's highest authority has determined that the RV Park's septic system has less than half the treatment capacity that is required to properly treat the sewage generated by the RV Park and to discharge sewage effluent into the groundwater of the site overlooking Goldmine Creek. Litigation over whether the request for DHEC Board review was timely does not

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

question the substance of the DHEC Board's decision as to the septic system's capacity. The Commission cannot rewrite the Ordinance to fit the odd procedural posture of litigation and approve this RV Park site plan. To do so would defy the Ordinance's essential purposes and its plain language.

V. The Commission Violated the Ordinance by Conditionally Approving an RV Park Site Plan with no Comfort Stations.

The Ordinance contains another requirement that protects the public and ecologically sensitive features of an RV park:

"No site shall be located less than . . . 300 feet from a comfort station."

Ordinance § 3.13 (4) (App. A at 42) (emphasis added). Like the others, this provision is mandatory. There are no exceptions.

The purposes behind this provision are obvious. The RV Park has 49 RV spaces and 86 parking spaces. RV parks attract visitors. The visitors may or may not have access to bathroom facilities in an RV. In addition, RV owners roam around the site and, in this instance, will inevitably wander down to the creek. Without comfort stations outside RVs, visitors or RV users may relieve themselves on the site. This requirement protects people who visit the RV park, the natural features and ecology of the site, and water quality.

Remarkably, the Commission staff recognized the mandatory nature of this requirement. In 2021, a Commission planner informed Blue Sky's engineer that "the site *must* have a comfort station . . . for public use, at a minimum 300 feet from every site location" and explained that the site plan could not be approved without them. Email from Brandy Blake, Spartanburg County, to Waverly Wilkes, Gray Engineering (Apr. 15, 2021) (App. A at 225) (emphasis added). In 2023, Commission staff warned again: "No space should be further than . . . 300' from a comfort station." Letter from Waverly Wilkes, Gray Engineering, to Leigh MacDonald, Spartanburg

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

County (Feb. 16, 2023) (App. A. at 228). At the March 7, 2023 Commission meeting, the site plan was approved with no comfort stations.

Although the Commission did not explain its decision, the Commission may have waived this requirement because RVs often have bathrooms within them. *See* Commission Meeting Minutes at 19 (Mar. 7, 2023) (App. A at 167). But it is always the case that RVs may have bathrooms, yet the Ordinance requires comfort stations to be located at RV parks regardless. *See* Ordinance § 3.13 (4) (App. A at 42). Indeed, the Ordinance does not say "each site should be within 300 feet of a comfort station unless it has an individual hookup." And in explaining the comfort station requirement, the County has previously made clear that this means "a room or building with toilet and lavatory facilities *for public use*." Email from Brandy Blake, Spartanburg County, to Waverly Wilkes, Gray Engineering (Apr. 15, 2021) (App. A at 225) (emphasis added). At no point leading up to the March 2023 meeting did the County suggest that including individual hookups at each site would satisfy the comfort station requirement. That decision only appeared, without explanation, in a "Background Information" section of the Commission's March 7, 2023 meeting minutes. *See* Commission Meeting Minutes at 18–19 (Mar. 7, 2023) (App. A at 166–67) ("Since all of these sites are proposed to have individual hookups for water and sewer, a comfort station will not be required").

The Ordinance does not contain the exception this brief passage attempts to create. The Ordinance is clear and contains a mandatory requirement, with no exceptions. Neither the Commission nor Blue Sky can disregard the plain language and unqualified terms of the Ordinance. There must be comfort stations at the RV Park. Because the site plan does not have any, there is no evidence in the record for the Commission's conclusion that the site plan complies with Section 3.13 (4). The Commission's action violates the Ordinance.

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

VI. The Commission Abused Its Discretion and Acted Arbitrarily and Capriciously When it Failed to Reconsider Its Illegal Action.

The Commission's Rules provide that it can reconsider any decision that it has made. The Commission has adopted the rules of Spartanburg County Council. Spartanburg County Planning Commission Rules & Procedures, Article II, § 5 (App. A at 195). The Council's rules provide that any action can be reconsidered at the next meeting upon the motion of any member who voted on the prevailing side. Spartanburg County Council Rules & Procedures, § 12-4 (App. A at 211).

Following the March 2023 meeting, the Native Plant Society sent a request to the Commission and all its members asking the Commission to reconsider its conditional approval of the RV Park's site plan at the next Commission meeting on April 4, 2023. Southern Environmental Law Center, Reconsideration of Conditional Approval for the Site Plan of T. Tree Farm RV Park of Blue Sky, LLC (Mar. 31, 2023) (App. A at 187–93). The Society's transmittal set out the violations explained above. *Id.* The Commission also received another request for reconsideration setting out these violations and others. *See* Concerned Citizens, Cover Letter to Request for Reconsideration of Conditional Approval (Mar. 28, 2023) (App. A at 229). Yet, at the April 4 meeting the Commission did not reconsider its decision, acknowledge the receipt of the requests, or discuss or respond to the violations of the Ordinance set out very directly in the requests. *See generally* Commission Meeting Minutes (Apr. 4, 2023) (App. A at 212–20).

County planning commissions may not act arbitrarily or capriciously or abuse their discretion. *Grays Hill Baptist Church v. Beaufort County*, 431 S.C. at 636 (reversing decision of county planning commission because of violations of county ordinance). The Commission is charged with carrying out the Ordinance and complying with its terms. The Commission was informed in writing of its violations of the Ordinance and had an opportunity to correct those

violations. Yet, it decided not to do so. On its face, this decision not to reconsider is arbitrary and capricious and an abuse of discretion.

The Commission may contend that only a Commission member may move to reconsider and that only the Commission may reconsider its decision. Of course, those statements are true. And they are generally true of actions of the Commission, including the conditional approval itself. Actions of the Commission generally are taken upon a motion of a member and approved by a vote of the Commission. Spartanburg County Planning Commission Rules & Procedures, Article II, § 5 (App. A at 195); *see also* Spartanburg County Council Rules & Procedures, Article 12-4 (App A. at 211). The Native Plant Society is not contending that it has the ability to move for reconsideration. Instead, the point is that the Commission acted arbitrarily and capriciously and abused its discretion when it decided not to reconsider its illegal decision and its violations of the Ordinance, even after being clearly informed of its illegal actions.

VII. The Commission Acted Arbitrarily and Capriciously and Abused Its Discretion When it Granted Conditional Approval of the Site Plan and Failed to Reconsider This Approval Without Addressing These Violations of the Ordinance.

The Ordinance's requirements for RV parks are not long or hard to understand. Section 3.13 governing RV parks is less that one page long. *See* Ordinance § 3.13 (App. A at 42). The relevant requirements are written in straightforward language and are plainly mandatory without exception. "The site shall be developed in a manner that preserves natural features and landscape," "[e]ach park site shall be serviced by public water," each park site shall be serviced by "sewer or other systems approved by DHEC," and "[n]o site shall be located less than . . . 300 feet from a comfort station." Ordinance § 3.13 (App. A at 42). The Ordinance is equally clear that its purpose is to preserve "ecologically sensitive areas." Ordinance Preamble (App. A at 35)

These requirements are not hard to find, read, or understand. They are mandatory. In addition, they were repeatedly brought to the Commission's attention. The Commission was

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

provided extensive information that the RV Park site plan violated these provisions and received repeated requests that these Ordinance requirements be followed. Yet, the Commission approved the site plan in violation of the Ordinance and decided not to reconsider its unlawful approval.

The Commission provided no explanation or justification for its decision to approve the site plan despite its failure to protect ecologically sensitive areas and natural features or to approve the RV Park without public water in the face of the Ordinance's requirement; the Commission did not address the DHEC Board's findings that the septic system is seriously undersized, and it did not explain how it could disregard the requirement for comfort stations. *See* Commission Meeting Minutes at 30 (Mar. 7, 2023) (App. A at 178); Commission Conditional Approval (Mar. 8, 2023) (App. A at 224); *see* S.C. Code § 6-29-1150(B) (requiring that "[a] record of all actions on all land development plans . . . *with the grounds for approval or disapproval* . . . be maintained as a public record) (emphasis added). The Commission adopted a simple motion and issued a conditional approval that contains no discussion of these important issues and no conditions requiring compliance with the relevant Ordinance provisions; and when it failed to reconsider, the Commission again was mute and did not address these issues. *See* Commission Meeting Minutes (Apr. 4, 2023) (App. A at 212–20)

This is the essence of arbitrary and capricious behavior by a public body charged with carrying out a law and a clear example of abuse of discretion. When it approved this unlawful plan with clear violations of the governing Ordinance, the Commission provided no response to justify its actions. For this reason also, the Commission's action should be reversed and vacated.

VIII. The Commission Granted No Variance as to Any of These Requirements.

No one has claimed that a variance was sought or granted as to any of these requirements. In any event, it is clear that no variance was properly adopted. Variances were considered at the

March 2023 meeting of the Commission, but no variance was considered in connection with Blue Sky's application for the RV Park. *See* Commission Meeting Minutes at 2–15, 18, 22, 28, 30 (Mar. 7, 2023) (App. A at 150–63, 166, 170, 176–178) (discussing variances before the Commission and then discussing the RV Park site plan application). And none of the procedures for variances were followed in this instance, nor were any of the findings necessary for a variance made by the Commission. *See, e.g.*, Ordinance §§ 1.02–1.04, 1.06, 5.01–5.02 (App. A at 36, 41, 43–45); *see also* Ordinance Article 6 – Definitions ("variance") (App. A at 47).

CONCLUSION

The Spartanburg County Unified Land Management Ordinance is the law that governs the Commission's consideration of the RV Park site plan. The Commission conditionally approved a site plan that violates critical and direct mandates of the Ordinance in multiple and important ways. These violations harm an important part of South Carolina's natural heritage—ancient and rare plants and their equally rare habitat. The Commission failed to explain its illegal actions or to reconsider them when it had the opportunity. The Commission's actions should be reversed and vacated to ensure that the law is followed and that an irreplaceable part of our ecology receives the protections that the Ordinance clearly sets out.

s/ Frank S. Holleman III
Frank S. Holleman III, Bar No. 2564
fholleman@selcsc.org
Emily Wyche, Bar No. 105551
ewyche@selcsc.org
Southern Environmental Law Center
525 East Bay Street, Suite 200
Charleston, SC 29403
Telephone: (843) 720-5270

A*ttorneys for Appellant South Carolina Native Plant Society*

September 1, 2023

ELECTRONICALLY FILED - 2023 Sep 01 2:07 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH CIRCUIT
COUNTY OF SPARTANBURG)	*Combined*
)	Case No. 2023-CP-42-01221
)	
The Enclave at Fairview Farm)	
Homeowners' Association, Inc., *et al.*,)	
)	
Appellants,)	
)	
vs.)	
)	BRIEF OF APPELLANTS
Spartanburg County, SC, *et al.*,)	
)	
)	
Respondents.)	
)	

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH CIRCUIT
COUNTY OF SPARTANBURG)	*Original*
)	Case No. 2023-CP-42-01226
)	
The Enclave at Fairview Farm)	
Homeowners' Association, Inc., *et al.*,)	
)	
Appellants,)	
)	
vs.)	
)	
Spartanburg County, SC, *et al.*,)	
)	
)	
Respondents.)	
)	

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG The Enclave at Fairview Farm Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT *Original* Case No. 2023-CP-42-01545 BRIEF OF APPELLANTS

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG South Carolina Native Plant Society, Appellant, vs. The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park. Respondents.	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT *Combined* Case No. 2023-CP-42-01221

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH CIRCUIT
COUNTY OF SPARTANBURG)	*Original*
)	Case No. 2023-CP-42-01367
)	
South Carolina Native Plant Society,)	
)	
)	
Appellant,)	
)	
vs.)	
)	
The Spartanburg County Planning)	
Commission and Blue Sky Associates,)	
LLC d/b/a T. Tree Farms RV Park.)	
)	
Respondents.)	
_____)	

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

SUMMARY OF REASONS REQUIRING REVERSAL

The decision of the Spartanburg County Planning Commission granting approval for an RV park in the middle of a pristine 5,000 acre conservation area should be reversed for the following independent and equally important reasons: (1) violation of environmental laws as set forth in the companion brief by Frank Holleman for the South Carolina Native Plant Society, (2) violation of the laws governing the procedure required for the Planning Commission to grant approval, (3) basing its decision on the wrong application for approval, (4) violation of the Spartanburg County Unified Land Management Ordinance, (5) failure to make specific factual findings, (6) violation of the South Carolina Local Government Comprehensive Planning Enabling Act, S.C.Code Ann. 6-29-310 et seq., (6a) fire danger, (6b) traffic danger, and (7) limited dedication of landowners' roads. Each alone is sufficient for reversal. None rests on disputed facts or the "any evidence" standard. All center on violation of various laws by the Planning Commission. Its decision approving the RV Park should be reversed with finality.

EXPLANATION OF REASONS REQUIRIING REVERSAL

1. Violation of Environmental Laws As Set Forth in the Brief by Frank Holleman for the South Carolina Native Plant Society.

The brief of the South Carolina Native Plant Society filed by Frank Holleman sets forth the Appellants' arguments concerning environmental matters. There is no reason to repeat them here. These include but are not limited to matters related to an undersized septic system, public water supply, pollution and rare native plants. The Appellants adopt and incorporate fully into this brief all the facts and law set forth in the brief of the South Carolina Native Plant Society.

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

2. Violation of the Laws Governing the Procedure Required for the Planning Commission to Grant Approval

The Planning Commission granted approval at its meeting on March 7, 2023. Before consideration of the matter by the Commission, the Vice-Chairman, who was presiding, bluntly stated to the public assembly that the RV park "is going in." Under Article I, Sections 3-4 of the Spartanburg County Planning Commission Rules and Procedures, he did so as the "spokesperson for the Commission." In railroading approval, the Commission violated several of its own Rules and Procedures, adopted February 8, 2000 and last revised May 5, 2020. They were adopted pursuant to S.C. Code 6-29-360 and the Spartanburg County Unified Land Management Ordinance O-99-015. The Planning Commission is required to follow them. Article II, Section 2 provides that "the Commission shall comply with the State of South Carolina Freedom of Information Statute..." That statute requires that the Commission's meetings be open to the public. Instead, the Commission locked out many members of the public. Paragraphs 107-110 of Appeal. It began a public hearing under Article III, Section 2 by first having a presentation by staff and then allowing the applicant's attorney to speak and answer questions on several key issues. But then it did not allow the Appellants the 30 minutes mandated by Sub-Section 2.7, nor otherwise comply with the requirements of Section 2. Paragraphs 99 and 115-118 of the Appeal. Nor was there any notice that the Commission would conduct a public hearing, as required by Article III, Sections 1-2. In fact, the Commission tried to discourage public participation by refusing a request for a public hearing made days before its meeting. Then it held one without notice, hoping that the only side presented would be that of the RV Park developer. When opponents thwarted its plan by showing up prepared to speak, the Planning

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Commission squelched them. Because the Planning Commission acted arbitrarily, unreasonably, or in general abused its discretion, longstanding South Carolina law requires that its decision be reversed. *Grays Hill Baptist Church v. Beaufort County*, 431 S.C. 630 (2020) (reversing decision of county planning commission); See also *Standard of Review*, SCNPS/Holleman brief, pp. 6-7.

3. Basing Decision on Wrong Application

After the meeting, the members of the Planning Commission left behind copies of the RV Park site plan that they had considered in voting on the matter. It was the wrong site plan. It was the site plan submitted by the applicant in 2021 and later withdrawn. Paragraphs 93-98 of the Appeal. Among its shortcomings, that site plan contained a misrepresentation about a non-existent right-of-way which "needed to be corrected." Exhibit A, Email from Spartanburg County Director of Public Works to Spartanburg County Attorney. Needless to say, there was no correction. Under *Grays*, such arbitrary, unreasonable and abusive behavior requires reversal of its decision.

4. Violation of the Spartanburg County Unified Land Management Ordinance

The Unified Land Management Ordinance of Spartanburg County governs land development in the County. It is the controlling document against which the application for the RV Park must be measured. The Planning Commission ignored it. By approving the RV Park, it flagrantly violated at least five separate requirements of the Ordinance: (1) Section 3.13(2), which requires that "The site shall be developed in a manner that preserves natural features and landscape."; (2) Section 3.13 (8), which requires that "Each park site shall be serviced by public water ..."; (3) Section 3.13 (8), which requires that the RV Park "shall be serviced [by]

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

sewer or other systems approved by DHEC."; (4) Section 3.13(4), which requires that in the RV Park "No site shall be located less than ... 300 feet from a comfort station."; and (5) Section 3.03-2, which mandates that "no recreational vehicle ... shall be used or permitted for permanent residential use." Any one of these violations is enough to require reversal of its decision. Together, they show a startling contempt for the law.

5. Failure to Make Specific Factual Findings

To grant a variance from the Unified Land Management Ordinance, the Planning Commission must first make specific factual findings. That is because the Ordinance means what it says. It is not a recommendation. It is the law. It is worth quoting the entirety of the section on variances to show the importance of doing exactly what the Ordinance requires for the proper development of land in Spartanburg County. The Planning Commission has the authority:

> "To grant variances in specific cases from the regulations pertaining to subdivisions and major land developments as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in the unnecessary hardship so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship *if the Commission finds* [emphasis supplied]:
> (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
> (b) These conditions do not generally apply to other property in the vicinity;
> (c) Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
> (d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the area.
> The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance."

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

It is no surprise that the Commission made no findings as required by the Ordinance. There are no facts to support any such finding. Indeed, all the facts are contrary to approval of the RV Park. The Appeal From Spartanburg County Planning Commission And Request For Declaratory Relief, verified by Russell Rock's Affidavit (Exhibit B), sets forth the facts. Appeal, pp. 5-20. Frank Holleman's brief on behalf of the South Carolina Native Plant Society provides additional explanation. Brief, pp. 5-10.

The requirement of specific factual findings cannot by evaded. The South Carolina Supreme Court is unequivocal on this point.

> "The findings of fact of an administrative body must be sufficiently detailed to enable the reviewing court to determine whether the findings are supported by the evidence and whether the law has been properly applied to those findings. Citing *Hill v. Jones*, 255 S.C. 219, 178 S.E. (2d) 142 (1970). Implicit findings of fact are not sufficient. Where material facts are in dispute, the administrative body must make specific, express findings of fact."

Hamm v. SC PSC, 298 S.C. 309, 380 S.E.2d 428 (1989) Absent specific findings, appellate courts reverse.

Reversal can be absolute, without remand which would allow subsequent false findings by the tribunal that was reversed. *Press-Enterprise Co. v. Superior Court of California*, 478 U.S. 1 (1986) (United States Supreme Court); *Ex parte Hearst-Argyle Television, Inc.*, 369 S.C. 69, 631 S.E.2d 86 (2006) (South Carolina Supreme Court). That is exactly what should happen here because the Planning Commission has demonstrated overwhelming bias.

6. Violation of the South Carolina Local Government Comprehensive Planning Enabling Act, S.C.Code Ann. 6-29-310 et seq.

The Unified Land Management Ordinance of Spartanburg County does not stand alone. It was created pursuant to—and must conform to--the South Carolina Local Government

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Comprehensive Planning Enabling Act. S.C.Code Ann. 6-29-310 et seq. In describing the "functions, powers and duties of local planning commissions", that statute requires that "The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction." S.C.Code Ann. 6-29-340(A). They must follow the "Legislative intent; purposes", which are stated as follows: "The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the municipalities and counties of the State." S.C.Code Ann. 6-29-1120. "All local governments that have adopted a local comprehensive plan ... shall revise their local comprehensive plans to comply with the provisions of this act ..." 2007 Act No. 31, Section 6, Editor's Note preceding S.C.Code Ann. 6-29-510. "A local comprehensive plan must include ... the following elements: ... "unique, natural or scenic resources, ... fire protection, [and] transportation." S.C.Code Ann. 6-29-510(D)(4),(5)&(8). A specific purpose of the transportation element under the statute is "to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian ..." S.C.Code Ann. 6-29-1120(3).

The Unified Land Management Ordinance of Spartanburg County has no elements for fire protection or traffic safety and the Planning Commission ignored those requirements of the South Carolina Local Government Comprehensive Planning Enabling Act. The Ordinance does state that a fundamental purpose is to protect "ecologically sensitive areas." Ordinance, PREAMBLE. Also, it requires that all RV Parks "preserve natural areas and landscape." Those words, however, meant nothing to the Planning Commission, which ignored them, the same as it ignored fire protection and traffic safety.

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

6(a) Fire Danger

If wildfire was underestimated before now, the burning of Maui and its port city of Lahaina has corrected the world's view of that danger. That destruction and death occurred in a community that had resources to fight fire. It had a 24/7 professional fire department and city water. The area where the homeowners of the Appellants live and the RV Park is to be located has neither. Lahaina's public water system ran dry fighting the fire. The RV Park will not even have public water. It will have a well and storage tank that will last only 6 minutes against a wildfire. What the RV Park will have, also, are dozens of large RVs, filled with gasoline, propane, lithium batteries and other combustibles. It will have grills and campfires, with sparks and embers flying from them, often unattended and not properly extinguished, sometimes while people are sound asleep. It will be in an area that is formally protected as a conservation preserve under the law, densely wooded with mature trees, and filled with underbrush. The RV Park will be a tinderbox within a treasure of nature.

6(b) Traffic Danger

Another danger posed by the RV Park is the onslaught, on steep, narrow, winding roads, of enormous RVs driven, for the most part, by people from outside South Carolina who are completely unfamiliar with the nature of the roads or where they lead. The shoulders alongside the roads are narrow and the ditches are several feet deep, thereby making the roads even more treacherous. Some intersections are at acute angles, far too tight for large vehicles. Exhibit C. The roads into and around the RV Park have historically been used by residents of the land there for recreation: walking, running, horseback riding, and cycling. The local high school cross country team trains on the roads. They cannot safely accommodate and are incompatible

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

with the size and number of RVs that the RV Park will bring. A road safety engineer opined that siting the RV Park on these roads adds danger to already dangerous roads. Appeal, pp. 20-25 and Rock Affidavit.

The RV Park is to be located on Landrum Mill Road, just off I-26 near the North Carolina border. Virtually all the traffic for the RV Park will be coming from I-26. However, there is no exit from I-26 to Landrum Mill Road. North of Landrum Mill Road, the nearest exit from I-26 to the proposed RV Park location is at Highway 14, also known as Landrum Road. South of Landrum Mill Road, the nearest exit from I-26 to the proposed RV Park location is at Highway 11, also known as the Foothills Highway. From either exit, traffic must then navigate their way along roads that were interior roads of the several large farms that comprise the Appellant homeowner associations. They were short, winding roads used by the owners of the farms on their own lands for their own purposes. They were not thoroughfares. That is still the case today. A significant part of Fairview Farms Road is even still dirt. Exhibit D.

7. Limited Dedication of Landowners' Roads

The roads are not public roads. They are private, owned to the centerlines by the local landowner members of the Appellants. Their use by others arises only by dedication. The landowners have not dedicated the roads to use by RVs, especially the large RVs (often towing other vehicles) that would be using the proposed RV Park. Some are the size of buses. The intrusion of such vehicles onto these roads would be a new occurrence. It is forbidden by the owners of the roads; and neither such RV owners nor the RV Park developer nor the Planning Commission have the right to force these vehicles upon the landowner members of the Appellants. According to the South Carolina Supreme Court,

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

> "It is generally accepted that to constitute a valid dedication, there must not only be an intention on the part of the owner to dedicate a property to the public use, but that such intention must be manifested in a positive and unmistakable manner. *** Absent an express gift, one who asserts a dedication must demonstrate conduct on the part of the landowner clearly, convincingly and unequivocally indicating his intention to create a right in the public. *** [T]he burden of proof to establish dedication is upon the party claiming it. *** [T]he proof must usually be strict, cogent, and convincing and the acts proved must be inconsistent with any construction other than that of dedication."

Anderson v. Hemingway, 269 S.C. 351, 354, 237 S.E.2d 489 (1977)

Dedication rests upon the concept of consent. "In this connection, dedication involves not only an offer to dedicate, but an acceptance thereof, either express or implied, by a public authority having power to pass upon the matter." *Anderson v. Hemingway, id.* 353. Spartanburg County has not accepted the landowners' roads. Ordinance 62-1 is the controlling authority. It defines *County road* as "any road which has been formally accepted by the county." These roads were not so accepted. The reason is that they do not appear on the "official directory" of the Planning Department as required by Ordinance 62-1.

CONCLUSION

This is not a case where the facts are in dispute and the "any evidence" standard applies. It is a case where the Planning Commission has ignored the law, not once, not twice, not even three times, but time after time after time after time. Each of the foregoing reasons is, alone, sufficient to require reversal with finality of the decision of the Planning Commission approving the RV Park. Together they stand as mountain of support for such a decision by the Court. The approval of the RV Park should be reversed, period, without remand.

Respectfully,

s/Carl F. Muller
Carl F. Muller, SC Bar#4131
Carl F. Muller, Attorney-at-Law, P.A.

PO Box 1717
Greenville, SC 29602-1717
864-991-8904 Phone
864-751-2831 FAX
carl@carlmullerlaw.com
Attorney for Appellants, The Enclave at Fairview Farm Homeowners' Association, Inc., et al.,

August 30, 2023

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

EXHIBIT

A

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Brown, Travis

From: Brown, Travis
Sent: Tuesday, July 13, 2021 4:42 PM
To: Harris, John
Cc: Alverson, Cole
Subject: ****Attorney Client Privileged****RE: 1970 Landrum Mill Rd

Thanks Cole.

In speaking with our folks the project is at a point where the engineer can submit 5 sets of final drawings. The only caveat is that there is a misrepresentation of the ROW along Landrum Mill Rd. that needs to be corrected as part of the final submission. The current drawings illustrate a 55' foot wide ROW along Landrum Mill Rd.. Since we only have prescriptive rights, we have asked the engineering (Waverly Wilkes with Gray Engineering) to correct the misrepresentation and/or have the owner properly dedicate the property. Our folks reached out to the engineer last week and it is our understanding that she was on vacation. To date we have not received a final submission.

In regards to the issuance of the grading permit there are several other items that should be addressed prior to the permit being issued. These are contingencies set forth by the Planning Commission and historically, a grading permit has not been issued until all of the contingencies have been addressed.

1. There are still outstanding issues and/or questions concerning architectural standards. This should be pretty straight forward but the decision needs to be made regarding whether a permanent building(s) will be constructed at the site.
2. The project still needs SCDHEC approval for septic services. I do know that this was specifically conveyed by Chairman Kennedy during the last Planning Commission meeting.
3. Correspondence from the local water service provider (Inman Campobello) stating that water is or will be available for the project. Final construction does not have to be complete but Planning Commission does require a statement that water services will be available.

If our department receives the noted 5 sets of final drawings there would not be any further items that are needed from Public Works. However, I do believe the above contingencies would need to be addressed before a formal grading permit would be issued. It is also my understanding that a formal appeal has been submitted to the Planning Department. I am not sure how and/or if that will have any bearing on the issuance of the grading permit.

Thanks and please let me know if there any questions.

Travis

From: Alverson, Cole
Sent: Tuesday, July 13, 2021 2:53 PM
To: Brown, Travis <twbrown@spartanburgcounty.org>
Subject: FW: 1970 Landrum Mill Rd

Travis,
See below and please advise on anything remaining on the permitting side when you are able. Thanks

-Cole

EXHIBIT

B

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT
The Enclave at Fairview Farm Homeowners' Association, Inc., Golden Hills of Fairview Homeowner's Association, Inc., Greenspace of Fairview, LLC, North Pacolet Association, Inc., Debra A. Whitaker, Charles D. Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judie R. Klapholz, Trustee of The Judie R. Klapholz Trust, and Slater Properties, Inc., d/b/a Caroland Farms, Appellants, vs. Spartanburg County, SC, Spartanburg County Planning Commission, and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents.	)	Case No. 2023-CP-42-01226 **AFFIDAVIT OF RUSSELL ROCK**

Personally appeared before me Russell Rock, who, upon being duly sworn states and deposes that:

1. I am Russell Rock, a resident of the land overseen by the Appellant Golden Hills of Fairview

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Homeowner's Association, Inc. My address is 255 Night Lark Lane, Campobello, South Carolina, 29322. My wife and I have owned our GH property since 1999 and we have lived in the home we built in GH since 2005.

2. I have been personally involved in opposing the RV park under consideration in this case since first becoming aware of it in March of 2021. I have spoken with and written to officials and staff of Spartanburg County and the South Carolina Department of Health and Environmental Control about my concerns. I have attended public meetings. I have examined documents. I have talked with experts. I have been immersed in opposing this, and still am.

3. I have read the APPEAL FROM SPARTANBURG COUNTY PLANNING COMMISSION AND REQUEST FOR DECLARATORY RELIEF filed by the Appellants on April 4, 2023 in this court. Also, I have read the Brief of Appellants prepared by our lawyer, Carl F. Muller. The facts recited in both documents are true of my own knowledge, except those stated to be upon information or belief, as to which I believe to be true.

Executed on August 30TH, 2023

Russell Rock

SWORN TO before me this 30th day of August, 2023.

Carl Muller

Notary Public for South Carolina

My Commission Expires: February 9, 2032

EXHIBIT

C

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

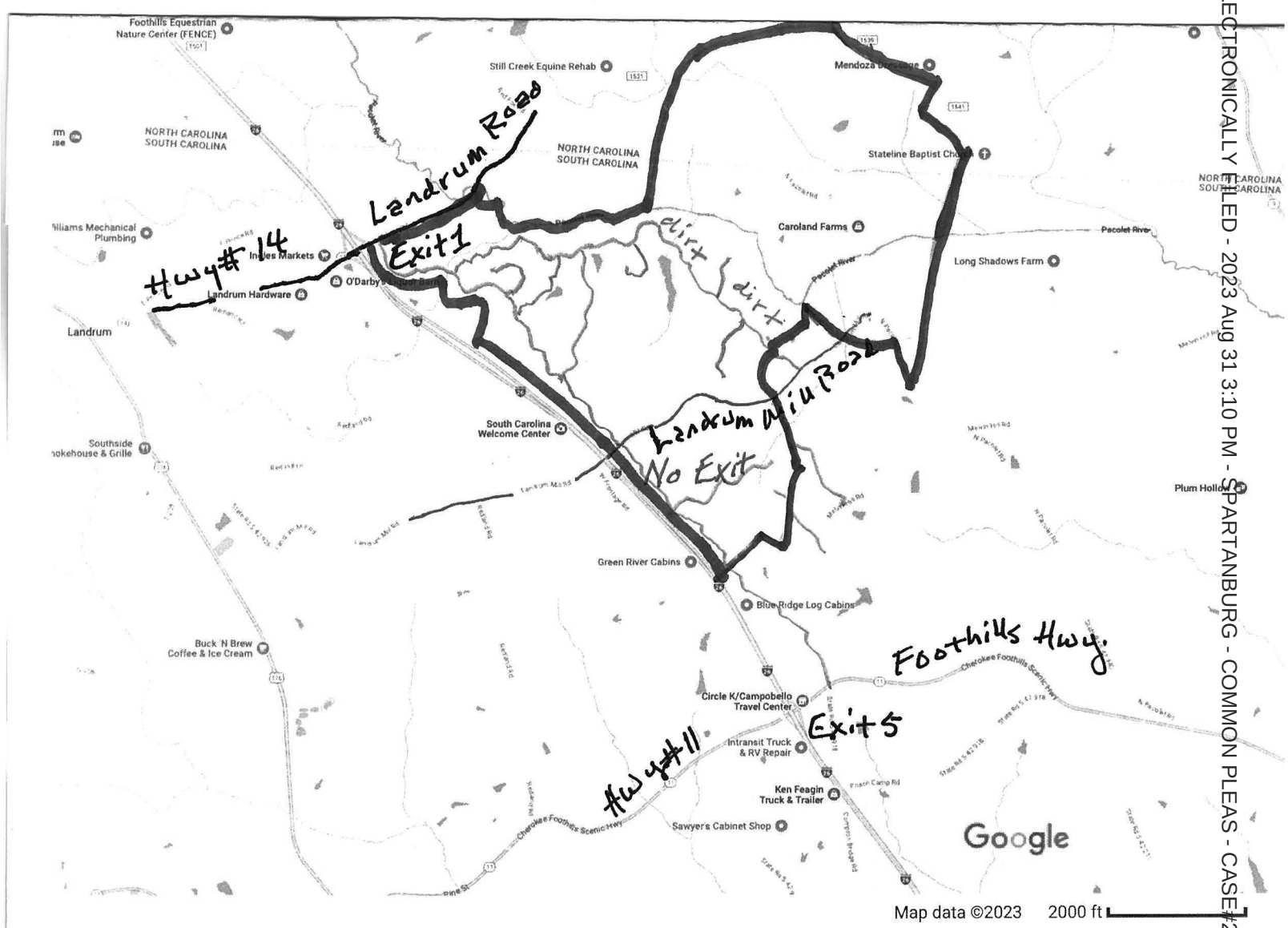
ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221


RACETRACK ROAD
- 16 Feet Wide - Privately Owned
Primary GPS route
to/from I-26 to RV Park
Ditches, Hills, Minimal Shoulder

EXHIBIT

D

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



Interior Roads ——

Racetrack Road

Fairview Farms Road

Turkoman Trail

Appellants' Outer Boundary ——

ELECTRONICALLY FILED - 2023 Aug 31 3:10 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG) FOR THE SEVENTH CIRCUIT
)
South Carolina Native Plant Society,) Case No. 2023-CP-42-01221
)
Appellant,)
)
vs.) **Reply Brief of Appellant South Carolina Native Plant Society**
)
The Spartanburg County Planning)
Commission and Blue Sky Associates,)
LLC d/b/a T. Tree Farms RV Park,)
)
Respondents.)
)
_____)

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG) FOR THE SEVENTH CIRCUIT
)
South Carolina Native Plant Society,) Case No. 2023-CP-42-01367
)
Appellant,)
)
vs.) **Reply Brief of Appellant South Carolina Native Plant Society**
)
The Spartanburg County Planning)
Commission and Blue Sky Associates,)
LLC d/b/a T. Tree Farms RV Park,)
)
Respondents.)
)
_____)

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01226 **Reply Brief of Appellant South Carolina Native Plant Society**

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01545 **Reply Brief of Appellant South Carolina Native Plant Society**

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

TABLE OF CONTENTS

INTRODUCTION 1

ARGUMENT 1

I. The Commission Violated the Ordinance by Conditionally Approving an RV Park Site that Does Not Preserve the Natural Features and Landscape of the Site. 1

II. The Commission Violated the Ordinance by Conditionally Approving an RV Park Site Plan Not Serviced by "Public Water." 5

III. The Commission Violated the Ordinance by Conditionally Approving an RV Park Not Serviced by a Sewage System "Approved by [the Department of Health and Environmental Control (DHEC)]." 9

IV. The Commission Violated the Ordinance by Conditionally Approving an RV Park Site Plan with no Comfort Stations. 9

V. The Commission Abused its Discretion and Acted Arbitrarily and Capriciously When it Failed to Reconsider its Illegal Action. 10

VI. The Commission Acted Arbitrarily and Capriciously and Abused its Discretion When it Granted Conditional Approval of the Site Plan and Failed to Reconsider this Approval Without Addressing These Violations of the Ordinance. 11

VII. The Commission Granted No Variance as to Any of These Requirements. 12

CONCLUSION 12

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

TABLE OF AUTHORITIES

Cases **Page(s)**

First Union Nat'l Bank of S.C. v. FCVS Commc'ns,
321 S.C. 496 (Ct. App. 1996), *rev'd on other grounds*, 328 S.C. 290 (1997).....11

Grays Hill Baptist Church v. Beaufort Cnty.,
431 S.C. 630 (2020).....2, 4

Kurschner v. City of Camden Planning Comm'n,
376 S.C. 165 (2008).....1

Rowe v. Hyatt,
321 S.C. 366 (1996).....6

Statutes and Regulations

S.C. Code § 6-29-1150(B).....12

S.C. Code Ann. Regs. 61-58(A).....6

S.C. Code Ann. Regs 61-58(B)(150).....6

Other Authorities

Ordinance Article 6.....1

Ordinance Preamble.....3, 9

Ordinance § 1.01.....2

Ordinance § 2.02-1, Exhibit A.....3

Ordinance § 2.02-4(1).....5

Ordinance § 3.01 (1).....8

Ordinance § 3.01(5).....8

Ordinance § 3.01(6).....5

Ordinance § 3.04-4 (2).....8

Ordinance § 3.04-4 (11).....3

Ordinance § 3.07 (7).....3

Ordinance § 3.13..... *passim*

Ordinance § 3.13 (2) 1, 3, 5

Ordinance § 3.13 (4) 9, 10

Ordinance § 3.13 (6) 9

Ordinance § 3.13 (8) 5

Ordinance § 3.19-3.....4

5 Am. Jur. 2d Appellate Review §477 (2023) 11

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

INTRODUCTION

The South Carolina Native Plant Society submits this reply to the joint response brief of the Spartanburg County Planning Commission (the "Commission") and Blue Sky Associates, LLC ("Blue Sky") (jointly "the respondents"). The respondents contend that the Native Plant Society is merely taking issue with how the Commission weighed competing evidence. That is not the case. As set forth in its opening brief and below, the Society's appeals do not invoke the "any evidence" standard set out in *Kurschner v. City of Camden Planning Commission*, 376 S.C. 165, 173–74 (2008), upon which the respondents rely. *See* Resp. Br. at 3. Rather, the Society asks this Court to reverse the Commission's conditional approval of the RV Park because the approval violates the clear and mandatory requirements of the Spartanburg County Unified Land Management Ordinance ("Ordinance"). Because in each instance the Commission violated the Ordinance based on the undisputed record evidence, there is also no record evidence to support the Commission's actions.

ARGUMENT

I. The Commission Violated the Ordinance by Conditionally Approving an RV Park Site that Does Not Preserve the Natural Features and Landscape of the Site.

Section 3.13 (2) of the Ordinance requires that "[t]he [RV Park] site shall be developed in a manner that preserves natural features and landscape." Ordinance § 3.13 (2) (App. A to Native Plant Society Opening Br. at 42). The Ordinance makes crystal clear that it means what it says; when the Ordinance says "shall," the Ordinance does not set out a suggestion, but a mandatory requirement. "The word 'shall' is *always* mandatory." Ordinance Article 6 (App. A to Native Plant Society Opening Br. at 46) (emphasis added).

When the Commission acted to approve the RV Park, it made no mention of this mandatory provision and took no action to require the preservation of the most prominent natural

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

features of the site, the presence of the habitat for and populations of a rare species that is threatened under the Endangered Species Act and identified by the South Carolina Department of Natural Resources as a Highest Priority Species. The respondents argue that since the Commission approved the RV Park plan, the Commission must have found sufficient evidence of compliance with this provision. If that were the law, then the mandatory provisions of the Ordinance would be erased; the Commission could approve plans without even considering the Ordinance, since it would be presumed that the Commission made a determination of compliance without even considering or mentioning the Ordinance's mandatory provisions.

But that is not the law. Blue Sky had the obligation to present the Commission an application that preserved the natural features of the site. Ordinance § 1.01 (App. A to Native Plant Society Opening Br. at 36). The Commission had the obligation to comply with the Ordinance, and courts will invalidate any Commission decision that violates the Ordinance. *Grays Hill Baptist Church v. Beaufort Cnty.*, 431 S.C. 630, 637 (2020). Blue Sky has been aware of the important natural features of the site at least since 2021 when the presence of the rare species and its habitat was presented to the Department of Health and Environmental Control ("DHEC") Board, *see* Southern Environmental Law Center, Letter in Support of Request for Final Review and Recission of Permit to Construct Onsite Wastewater System (Oct. 28, 2021) (App. A to Native Plant Society Opening Br. at 221–23), and the natural features of the site were repeatedly raised with the Commission, *see, e.g.,* Concerned Citizens, Request for Public Hearing at 1-4 (Feb. 28, 2023) (App. A to Native Plant Society Opening Br. at 179–83); Southern Environmental Law Center, Reconsideration of Conditional Approval for the Site Plan of T. Tree Farm RV Park of Blue Sky, LLC (Mar. 31, 2023) (App. A to Native Plant Society Opening Br. at 187–93). Yet, Blue Sky did not propose protections for the species and its habitat in its

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

application, and the Commission entirely ignored this requirement of the Ordinance, the species, and its habitat. The record is devoid of any actions by Blue Sky to address these natural features or any evidence of consideration by the Commission of these natural features.

The respondents attempt to reduce this provision to a "vague qualitative requirement" that requires nothing more than setbacks and screening. Resp. Br. at 6. But the Ordinance requires that RV sites "shall . . . preserve natural features and landscapes"—an intentionally broad and definitive phrase that is backed up by the overarching Ordinance intent to protect "ecologically sensitive areas." Ordinance, Preamble (App. A to Native Plant Society Opening Br. at 35).

By its plain language, the Ordinance's mandatory requirement to preserve natural areas is not satisfied by a standard plan that simply includes setbacks. The requirement to preserve natural features and landscape is set out specifically for RV parks and campsites in Section 3.13. When the Ordinance requires only setbacks, it says so; there are multiple provisions throughout the Ordinance clearly laying out setback requirements. *See, e.g.*, Ordinance § 2.02-1, Exhibit A (App. F at 3) (table detailing setback requirements for land development); Ordinance § 3.04-4 (11) (App. F at 11) (provision specifying setback requirements for manufactured home parks); Ordinance § 3.07 (7) (App. F at 13) (setbacks for auction barns and auction houses). When the Ordinance uses different and more far-reaching language to "preserve[] natural features and landscape," it plainly reaches beyond mere setback requirements set out elsewhere in the Ordinance. Any other interpretation would ignore the Ordinance's plain language and render the "natural features" mandatory requirement in Section 3.13 a meaningless redundancy.

The respondents do not point to anything in the record that indicates that the Commission ever considered the "natural features" requirement of Section 3.13 (2) at all, with

respect to setbacks or otherwise. Nor is there any evidence in the record suggesting that the Commission required setbacks to comply with the "natural features" requirement rather than the standard setback requirements. *See Grays Hill Baptist Church v. Beaufort Cnty.*, 431 S.C. at 637 (requiring decision of planning commission to be based on record evidence).

As for the "screening requirements," Resp. Br. at 6, it is not entirely clear what these requirements are, and the respondents do not provide a citation. But a "screen" would do nothing to preserve the natural features and landscape as the Ordinance mandates but would only hide unattractive development from outside view. Moreover, when the Ordinance means to require only screening, it says so. *See, e.g.*, Ordinance § 3.19-3 (App. F at 15) (fencing and screening requirements for junkyards). Section 3.13 of the Ordinance mandates that RV park plans "preserve" and not "screen" natural features, and, in fact, Section 3.13 does not mention screening at all.

Otherwise, the respondents argue only that Blue Sky chose not to develop the entire site. But there is nothing in the record or the Commission's decision to support the claim that the Commission found that somehow this fact preserved the rare species or its habitat. In fact, the Society has submitted affidavits by leading scientists and naturalists demonstrating that the rare species and its habitat are in the area where the RV Park will be built. *See* Newberry Aff. ¶¶ 13–15; Gaddy Aff. ¶¶ 10–17; Whitten Aff. ¶ 14–19; Huffman Aff. ¶ 10–15 (Apps. B–E to Native Plant Society Opening Br.). Both respondents ignored this mandatory requirement of the Ordinance, the rare species, and its habitat; and there is nothing in the record to indicate that the conditionally approved plan "preserves" the most important "natural features" and ecological features of the site by not building RV park units and associated roads on a particular portion of the property. And, as with setbacks, when the Ordinance intends only to require a set aside of

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

land, it does so. *See, e.g.*, Ordinance § 2.02-4 (1) (App. F at 5) (section of Ordinance drafted "to ensure adequate open space for high density residential development"); Ordinance § 3.01 (6) (App. F at 7) (providing open space requirement for "patio and zero lot line housing"). Section 3.13 does much more and requires preservation of the site's natural features and landscape.

What the record does show is that both Blue Sky and the Commission were aware of the important ecological natural features of the proposed RV Park site, including that it was located along a creek, surrounded by conservation easements, and contained a rare species and habitat of concern nationally and in South Carolina. Southern Environmental Law Center, Letter in Support of Request for Final Review and Recission of Permit to Construct Onsite Wastewater System (Oct. 28, 2021) (App. A to Native Plant Society Opening Br. at 221– 23); Concerned Citizens, Request for Public Hearing at 1-4 (Feb. 28, 2023) (App. A to Native Plant Society Opening Br. at 179–83). Yet Blue Sky did nothing in its application to propose compliance with this provision of the Ordinance; and the Commission entirely disregarded this provision and conditionally approved the RV Park site plan without any study of these features and without any protective measures to "preserve" these "natural features and landscape," all in violation of the Ordinance. Ordinance § 3.13 (2) (App. A to Native Plant Society Opening Br. at 42).

II. The Commission Violated the Ordinance by Conditionally Approving an RV Park Site Plan Not Serviced by "Public Water."

The Ordinance requires that RV park sites be serviced by "public water." Ordinance § 3.13 (8) (App. A to Native Plant Society Opening Br. at 42). The respondents try to redefine the Ordinance's requirement for "public water" by inserting into the Ordinance a definition of a different term—"public water systems"—taken from state primary drinking water regulations. Resp. Br. at 7. Unlike the term used in the county Ordinance, the definition in the state

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

regulations of the different term "public water systems" includes a drinking water supply "drawn from an onsite subsurface supply" or a well.

But in regulating the sites for RV parks, the Ordinance does not incorporate or refer to the definition of a different term from outside the county Ordinance. The Ordinance does not mention this state regulation or its definition. The respondents cannot do something that the Ordinance does not. Instead, the term "public water" in the county Ordinance should be given its ordinary meaning, water from a public source. "In interpreting a statute, words must be given their plain and ordinary meaning . . . ." *Rowe v. Hyatt,* 321 S.C. 366, 369 (1996).

Indeed, it makes little sense to insert into the Ordinance this definition of a different term from the state drinking water regulations. First, the drinking water regulations do not deal with the considerations specific to RV park regulation but rather deal with the general regulation of water quality by state and federal governments. To protect public health and safety broadly, these regulations necessarily must be expansive. Indeed, as the respondents note, the state regulations define "public water system" to include "any drinking water supply, whether it be bottled, piped from a remote supply, or drawn from an onsite subsurface supply." Resp. Br. at 7; *see* S.C. Code Ann. Regs 61-58(B)(150).

But the Ordinance's public water requirement has an opposite purpose. The only reason for the Ordinance to include the requirement for "public water" in its RV park requirements is to limit, not to expand, the kind of water supply an RV park can use. Otherwise, there would be no need at all for this mandatory county requirement.

The state regulations and the county Ordinance have different purposes. The state regulations address the quality of water for human consumption, regardless of source. S.C. Code Ann. Regs. 61-58(A) ("the standards and procedures prescribed are necessary to maintain

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

reasonable standards of purity of the drinking water of the State consistent with the public health, safety, and welfare of its citizens"). Consequently, the definition of "public water system" is broad. The state water quality regulations are not designed to determine what sorts of developments or facilities should be serviced by what kind of water provider.

On the other hand, the county's Ordinance addresses the source of the water. By requiring public water, the Ordinance ensures an adequate reliable supply for consumption by the many visitors to an RV park open to the general public, as well as for fire suppression for a facility with many vehicles and visitors who cook, sit around campfires, and enjoy fireworks.

The Commission's own application form shows that, unlike the state water quality regulation, the county Ordinance regulates the source of water for different kinds of developments. The form asks the applicant to designate "water or well." When "water" is designated, the applicant must identify the provider. Blue Sky, Application at 2 (Feb. 7, 2023) (App. A to Native Plant Society Opening Br. at 5). The County is thus concerned about the source—water or well. Section 3.13 specifies that for RV parks, public water must be the water source, not a well.

The respondents would rewrite the Ordinance and loosen its protections by inserting the definition of an entirely different term—"public water system"—from an entirely different source—a state water quality regulation—into the County's restrictions for RV parks. In order to prevail in this one case, the respondents ask the Court to broaden the water source allowed for an RV park to include wells, which are less reliable to ensure adequate supply for ongoing consumption of RV park visitors and for fire suppression when an emergency occurs. By requiring public water, the Ordinance ensures adequate supply for the public visiting the RV park and in case of a fire emergency and also ensures that water for human consumption will be

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

provided by a public source professionally managed and subject to ongoing supervision and oversight. The respondents ask that the Court weaken the protections that the Ordinance puts in place to ensure an adequate supply as well as reliable quality.

Further, just to prevail in this one case, the respondents are asking the Court to upset protective requirements throughout the Ordinance. For example, the Ordinance requires "public water" for the operation of manufactured home parks, mandating that "[a]ll proposed Manufactured Home Parks shall be served by public water. . . ." Ordinance § 3.04-4 (2) (App. F at 10). The Ordinance similarly requires "public water" for patio and zero lot line homes. Ordinance § 3.01 (5) (App. F at 7). If the Ordinance were rewritten to substitute the state regulation definition of "public water systems" for the ordinary meaning of "public water," throughout the Ordinance, protective requirements for "public water" would be eliminated and various types of developments could now be serviced by wells when the Ordinance mandates only "public water"—with corresponding harm to public health and safety and development standards.

The standard for patio and zero lot line homes underscores the dangers of the respondents' argument. The home sites in these developments can be as small as 4,000 square feet, and they are dense developments. Ordinance § 3.01 (1) (App. F at 7). The Ordinance requires "public water" for such developments. *Id.* § 3.01 (5) (App. F at 7). It makes no sense to interpret the Ordinance so that "public water" means "any public water system" as defined by the state drinking water regulation—including wells or bottled water—when the Ordinance limits these developments to "public water" for public health and safety. It is obvious that the Ordinance gives the term "public water" its ordinary meaning, a public water provider. The same is true for Section 3.13 for RV parks.

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

By approving an RV park not serviced by public water, the Commission violated the Ordinance and the ordinary and natural plain meaning of its "public water" requirement.

III. The Commission Violated the Ordinance by Conditionally Approving an RV Park Not Serviced by a Sewage System "Approved by DHEC."

The respondents contend that the RV Park plan is serviced by a sewage system "approved by DHEC," Ordinance § 3.13 (6) (App. A to Native Plant Society Opening Br. at 42), because an Administrative Law Court has vacated the DHEC Board's decision on technical timing grounds. The respondents cannot change the fact that DHEC's highest authority, the DHEC Board, found that the sewage system proposed for the RV Park is inadequate because it does not satisfy the protective DHEC regulations governing such systems. The Administrative Law Court decision did not question or address that substantive conclusion of the DHEC Board. That timing decision is on appeal.

The Ordinance is not designed to uphold timing rules as perceived by a particular Administrative Law Court decision. Instead, the Ordinance is designed to protect public health and safety—as its Preamble proclaims. Ordinance, Preamble (App. A to Native Plant Society Opening Br. at 35). DHEC's highest authority has held on substantive grounds that the proposed septic system for the RV Park does not satisfy the protective requirements of the state regulations. That ruling has not been questioned. Under the plain language and clear intent of the Ordinance, the RV Park plan does not include a sewage system "approved by DHEC."

IV. The Commission Violated the Ordinance by Conditionally Approving an RV Park Site Plan with no Comfort Stations.

The respondents again attempt to rewrite the Ordinance, this time by arguing that the comfort station requirements set out in Section 3.13 (4) apply only to camp sites. There is nothing in the Ordinance to support this argument.

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Section 3.13 states that "[c]amps *and recreational vehicle (RV) parks* shall comply with the following site and design standards. . . . [ ] "No site shall be located less than . . . 300 feet from a comfort station." Ordinance § 3.13 (4) (App. A to Native Plant Society Opening Br. at 42) (emphasis added). Nothing in Section 3.13 limits this provision to camp sites; in fact, the Ordinance expressly says that camps *and* RV parks must comply with the requirement. Further, as noted in the Society's opening brief, the Commission staff explained to Blue Sky on two separate occasions that Blue Sky was required to include comfort stations as part of the proposed RV Park site plan. *See* Native Plant Society Opening Br. at 20–21. The respondents argue that the Ordinance does not require RV park sites to include comfort stations because RVs often have their own toilets. But the Ordinance does not provide for that exception. The respondents cannot ignore or rewrite an unqualified requirement set out in the Ordinance, a requirement that Blue Sky was repeatedly warned to respect. *See, e.g.*, Email from Brandy Blake, Spartanburg County, to Waverly Wilkes, Gray Engineers (Apr. 15, 2021) (App. A to Native Plant Society Opening Br. at 225); *see also* Native Plant Society Opening Br. at 20–21.

In this way also the Commission's approval violates a clear and unqualified requirement of the Ordinance.

V. The Commission Abused its Discretion and Acted Arbitrarily and Capriciously When it Failed to Reconsider its Illegal Action.

The respondents defend the fact that the Commission did not reconsider its decision simply by pointing out that no member moved to reconsider. That point is undisputed but in no way justifies the fact that the Commission did not reconsider its decision when presented with the clear violations of the Ordinance it had committed at its prior meeting.

After the Commission's conditional approval of the RV Park site plan, the Society and others wrote the Commission and clearly laid out the ways in which the Commission had

violated the Ordinance in conditionally approving the site plan. Southern Environmental Law Center, Reconsideration of Conditional Approval for the Site Plan of T. Tree Farm RV Park of Blue Sky, LLC (Mar. 31, 2023) (App. A to Native Plant Society Opening Br. at 187–93); Concerned Citizens, Cover Letter to Request for Reconsideration of Conditional Approval (Mar. 28, 2023) (App. A to Native Plant Society Opening Br. at 229). The respondents do not deny that the Commission's rules provided for reconsideration of the conditional approval at the next meeting, as laid out in the Society's brief. Yet, when presented with these violations, the Commission did not reconsider its illegal action.

This is another example of a clear abuse of discretion by the Commission. Of course, it was up to a member of the Commission to move to reconsider, just as it is up to a member of the Commission to move the adoption of a motion when the Commission takes any action. As the Supreme Court has made clear, the Commission is subject to reversal when it has violated the law or abused its discretion. Here, the Commission had an opportunity to correct its illegal actions and did not do so. That failure is, by definition, an abuse of discretion.

VI. The Commission Acted Arbitrarily and Capriciously and Abused its Discretion When it Granted Conditional Approval of the Site Plan and Failed to Reconsider this Approval Without Addressing These Violations of the Ordinance.

Continuing the Commission's silence on its basis for issuing the conditional approval and deciding not to reconsider, the respondents fail to offer any response to this argument in their response brief. The Court may reverse the Commission's decision because of the respondents' failure to respond to this issue. *First Union Nat'l Bank of S.C. v. FCVS Commc'ns*, 321 S.C. 496, 502 (Ct. App. 1996), *rev'd on other grounds*, 328 S.C. 290 (1997) ("failure to respond to this argument in its brief could amount to a concession that the trial court ruled incorrectly"); 5 Am. Jur. 2d Appellate Review §477 (2023) ("If an appellee fails to respond to an issue in its brief, the court may treat the failure to respond as a confession that the appellant's position is correct").

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

The Commission provided no explanation or justification for its decision to conditionally approve the site plan despite the plan's failure to comply with mandatory requirements set out in the Ordinance or for its decision not to reconsider that unlawful decision. As noted in the Society's opening brief, the Local Government Enabling Act provides that "[a] record of all actions on all land development plans . . . *with the ground for approval or disapproval* . . . be maintained as a public record." S.C. Code § 6-29-1150(B). But the Commission did not do that. Instead, the Commission's conditional approval and its decision not to reconsider the conditional approval are summary decisions without explanation. As set out in the Society's opening brief, the Commission's silence on its decision-making is the height of arbitrary and capricious behavior by a public body charged with carrying out the law and a clear example of abuse of discretion.

VII. The Commission Granted No Variance as to Any of These Requirements.

Last, the respondents misunderstand the Society's argument regarding variances. Contrary to their response brief, the Society is not contending that a variance would be appropriate as a means of justifying the Commission's conditional approval of the RV Park. Rather, anticipating that the Commission or Blue Sky might argue that the Commission had relied on variances to issue the conditional approval, the Society explained that variances had not been granted and could not serve as a *post hoc* justification for the conditional approval. *See* Native Plant Society Opening Br. at 24 ("No one has claimed that a variance was sought or granted as to any of the[] requirements"). The respondents cannot and do not rely upon any variance to justify the Commission's violations of the plain language in the Ordinance.

CONCLUSION

The Spartanburg County Unified Land Management Ordinance is the law that governs the Commission's consideration of the RV Park site plan at issue here. A fundamental purpose of

the Ordinance is to protect ecologically sensitive areas and, with RV parks in particular, to preserve natural features and landscapes. Yet the Commission conditionally approved an RV park site plan that in multiple ways violates critical and direct mandates of the Ordinance and that will degrade, rather than preserve, an ecologically sensitive area and natural features and landscape of the site. These violations harm an important part of South Carolina's natural heritage—ancient and rare native plants and their equally rare habitat.

For these reasons, and the reasons discussed in the Society's opening brief, the Court should reverse and vacate the Commission's decision to ensure that the law is followed and that an irreplaceable part of our State's ecology receives the protections required by the Ordinance.

s/ Frank S. Holleman III
Frank S. Holleman III, Bar No. 2564
fholleman@selcsc.org
Emily Wyche, Bar No. 105551
ewyche@selcsc.org
Southern Environmental Law Center
525 East Bay Street, Suite 200
Charleston, SC 29403
Telephone: (843) 720-5270

Attorneys for Appellant South Carolina Native Plant Society

October 12, 2023

ELECTRONICALLY FILED - 2023 Oct 12 11:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SEVENTH CIRCUIT
	)	*Combined*
	)	Case No, 2023-CP-42-01221
	)	
The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*,	)	
	)	
Appellants,	)	REPLY BRIEF OF APPELLANTS
	)	
vs.	)	
	)	
Spartanburg County, SC, *et al.*,	)	
	)	
	)	
Respondents.	)	
	)	

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SEVENTH CIRCUIT
	)	*Original*
	)	Case No, 2023-CP-42-01226
	)	
The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*,	)	
	)	
Appellants,	)	
	)	
vs.	)	
	)	
Spartanburg County, SC, *et al.*,	)	
	)	
	)	
Respondents.	)	
	)	

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT *Original* Case No, 2023-CP-42-01545

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG South Carolina Native Plant Society, Appellant, vs. The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents.	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Combined Case No, 2023-CP-42-01221

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH CIRCUIT
COUNTY OF SPARTANBURG)	*Original*
)	Case No, 2023-CP-42-01367
)	
South Carolina Native Plant Society,)	
)	
Appellant,)	
)	
vs.)	
)	
The Spartanburg County Planning)	
Commission and Blue Sky Associates,)	
LLC d/b/a T. Tree Farms RV Park,)	
)	
Respondents.)	
)	

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

FATAL OVERARCHING PROBLEM AND STANDARD OF REVIEW

The fatal overarching problem with the Respondents' brief is that it ignores the law. What is before the Court in its capacity as an appellate tribunal are questions of law. The South Carolina Supreme Court has stated, "An appellate court may decide questions of law with no particular deference to the trial court." *Linda McCompany v. Shore*, 390 S.C. 543, 551, 703 S.E.2d 499, 503 (2010) citing *In re Campbell,* 379 S.C. 593, 599, 666 S.E.2d 908, 911 (2008). This is not a case where the Planning Commission has acted upon competing bodies of evidence and the appellate court is asked to weigh the evidence. Indeed, there is no evidence to support the Respondents' position. That is why the Respondents' brief is written as though the Planning Commission may do as it pleases.

At issue in this appeal are a number of statutes enacted by the South Carolina General Assembly, ordinances passed by Spartanburg County Council, and rules and regulations of the Planning Commission itself. The Respondents find them distressing and for that reason try to skip over what they require. They cannot. "The interpretation of a statute is a question of law for the court." *Id.* at 551.

SEPTIC TANK PROBLEM

Chief among the statutes are the South Carolina Pollution Control Act. S.C. Code Ann. 48-1-10 et seq and the statutory framework for the South Carolina Department of Health and Environmental Control. S.C. Code Ann. 44-1-10 et seq. They charge DHEC with protecting the health of the people of South Carolina and grant it jurisdiction to do so. S.C. Code 48-1-100(C) provides:

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

> "The Department of Health and Environmental Control is the agency of state government having **jurisdiction** over those matters involving **real or potential threats** to the health of the people of South Carolina, including ... septic tanks ..." [Emphasis added.]

In its Final Agency Decision dated January 13, 2022 denying Respondent Blue Sky a septic permit, the DHEC Board specifically noted that it was acting under this section. Exhibit A, p. 2. The 15 day time limit argued by the Respondents does not apply. That limit arises under a different part of the code limiting a private party—not the DHEC Board itself. S.C. Code 44-1-60. Of note, the DHEC Board independently has the authority to revoke a septic permit pursuant to S.C. Code 48-1-50(5).

Respondent Blue Sky's proposed septic system will discharge millions of gallons of wastewater per year. The DHEC Board rejected the estimate of the daily peak flow rate of wastewater submitted by Blue Sky's engineers to the DHEC staff and determined that the design of its septic system was not supported by data in the permit application. The DHEC Board overturned the staff's issuance of the permit because the septic system lacks capacity to deal with wastewater from dozens of luxury-size RVs. The septic system risks failure and contamination of drinking water wells of nearby homeowners. In addition, failure of the septic system poses a threat of discharge into Gold Mine Creek, which is a tributary of the North Pacolet River and part of the public water supply in Spartanburg. The creek borders Blue Sky's proposed RV park.

It is not the law, as Respondents suggest, that the DHEC Board is divested of jurisdiction in all cases where a Request for Review is not submitted within 15 days of a DHEC staff decision.

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Further, this approach to all matters for review by the DHEC Board disregards its separate powers under the Pollution Control Act and would produce an absurd and dangerous result. With an application of Respondents' perilous theory of an absolute 15 day restriction, the DHEC Board would be precluded from functioning, even in the face of catastrophic harm, if citizens whose health was threatened could not request a review within 15 days of a staff decision This was not the intent of the General Assembly in enacting the Pollution Control Act and conferring broad powers upon the DHEC Board to protect the health of the people of this State.

The South Carolina Supreme Court has addressed the broad powers granted to DHEC by the legislature to protect public health. *City of Columbia v. Board of Health and Environmental Control*, 292 SC. 199, 355 S.E.2d 536 (1987) (holding that DHEC's powers are construed liberally when the powers concern the protection of the health and welfare of the public.) The Respondents' argument to limit the DHEC Board's examination of matters only when a request is submitted within an absolute 15 day time limit of a staff decision would surely be rejected by the South Carolina Supreme Court, particularly with the DHEC Board specifically invoking S.C.Code 48-1-100(C) in this case.

Finally, by its own terms, the permit issued by DHEC staff in 2021 is no longer valid. It was based on water being provided by Inman Campobello Water. The first page of the permit states in all capital letters, "ANY CHANGES TO THE SYSTEM MUST BE APPROVED BY DHEC. ANY UNAPPROVED CHANGES WILL VOID THIS PERMIT." The second page states this condition again, "Any deviations from this plan without prior approval from the Division voids this Permit." Exhibit B. Water is not going to be provided by ICW, which is why Blue Sky applied anew to the

Planning Commission in March 2023. The 2023 application is based upon water from a future on-site well. That voids the septic permit.

WELL AND WATER PROBLEM

Blue Sky's 2023 application based upon a future well creates for it a new problem because the Spartanburg Unified Land Management Ordinance requires that its proposed RV park be serviced by public water. Public water in that area comes from the drinking water system operated by Inman Campobello Water. The Planning Commission's form, which was filled out online by Blue Sky, gives a choice of either "well" or "water". Clearly, "well" is one thing, and "water" is something else. The something else is water from a recognized public water system. Blue Sky acknowledged this by filling in the next block with "ICW", meaning Inman Campobello Water. Exhibit C.

A well is not a public water system. The DHEC Onsite Wastewater System Application that Blue Sky filled out clearly shows the dichotomy between the two. Blue Sky's 2021 and 2023 applications with the Planning Commission also show this dichotomy. Exhibits B & C.

The Respondents vainly try to extract themselves from this problem by grasping at a definition of "public water system" in the voluminous section of DHEC regulations designed primarily for a complex and highly regulated public drinking water system such as Inman Campobello Water. That is not what is going to built by Blue Sky at its proposed RV park and fed from a future on-site well. Of course, the Spartanburg ULMO makes no such reference to that definition in its requirement for public water at Blue Sky's proposed RV park.

"The first question of statutory interpretation is whether the statute's meaning is clear on its face." *Wade v. Berkeley County*, 348 S.C. 224, 229, 559 S.E.2d 586,588 (2002). "Where

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

the statute's language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed and the Court has no right to impose another meaning." *Vaughn v. Bernhardt*, 345 S.C. 196,198, 547 S.E.2d 869,870 (2001). "The words of the statute must be given their plain and ordinary meaning without resorting to subtle or forced construction to limit or expand the statute's operation." *Municipal Assn of South Carolina v. AT&T Communications of S. States, Inc.,* 361 S.C. 576, 580, 606 S.E.2d 468,470 (2004).

Blue Sky's proposed well is a violation of the Spartanburg ULMO as well as its septic permit and the Planning Commission's approval of its proposed RV park is a violation of the law.

BATHROOM (I.E. COMFORT STATION) PROBLEM

The rules for statutory construction adopted by the South Carolina Supreme Court also apply to the Respondents' attempt to escape the requirement in the Spartanburg ULMO for bathrooms at their proposed RV park. The requirements apply to "Camps and Recreational Vehicle Parks." There is no exception. Exhibit D. Leigh McDonald, the Current Planning Manager in Spartanburg County, wrote Blue Sky's engineer on February 15, 2023, "No space should be further than 150' from a drinking water supply or 300' from a comfort station." Exhibit E. Once more, the Respondents are ignoring the plain meaning of the words and ignoring the law.

DEDICATION OF THE ROADS PROBLEM

The Respondents ignore what the South Carolina Supreme Court stated in *Anderson v. Hemingway*, 269 S.C. 351, 354, 237 S.E.2d 489 (1977). "It is generally accepted that to constitute a valid dedication, there must not only be **an intention on the part of the owner to dedicate** a property to the public use, but that such intention **must be manifested in a positive**

and unmistakable manner. * ... clearly, convincingly and unequivocally *** ...strict, cogent and convincing and the acts proved must be inconsistent with any construction other than that of dedication."** [Emphasis added.] The burden is on the Respondents (Id.) and they have not proved a thing. They impermissibly go outside the record on appeal to make assertion that, even if true, is insufficient as a matter of law to meet the standard set by the South Carolina Supreme Court.

ENDANGERED SPECIES ACT AND OTHER ENVIRONMENTAL PROBLEMS

Both the federal Endangered Species Act and the Spartanburg ULMO mandate protection for the Dwarf-flower Heartleaf. That is the law. The Planning Commission's approval of the RV park is a direct violation of those laws.

The Dwarf-flower Heartleaf is designated a Highest Priority Species by the South Carolina Department of Natural Resources. Through that agency, and before discovery of the Dwarf-flower Heartleaf on or in proximity to the RV park site, the State of South Carolina established a Heritage Preserve in Spartanburg County to protect these plants. Spartanburg County is one of only three counties in South Carolina where the plant is found and even then only in tightly circumscribed locations and in extremely low numbers. By its nature and the nature of the environment, it is unlikely to exist elsewhere. One of the few places where it exists is at or near the RV park site, especially along Goldmine Creek, which borders the site. The development of that site as planned will likely destroy forever both the plants and their habitat there. Yet the Respondents have done nothing to evaluate the plants and environment as they now exist, nor to understand what is likely to happen if the RV park is built. Whitten, Gaddy, Huffman and Newberry Affidavits.

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

In addition, the RV park is sited on a steep hill that allows runoff into Goldmine Creek. That stream runs into the North Pacolet River, which serves as a source for the City of Spartanburg's drinking water. Runoff from the RV park will carry oil, gasoline and other petroleum products, all laced with other hazardous chemicals, directly into that drinking water supply. The septic system is inadequate; the DHEC Board has already determined that. Also, because it will be the recipient of waste from RVs, it will contain the extremely harmful chemicals used for odor control in RV septic systems, such as formaldehyde, para-formaldehyde, quaternary ammonium, dichlorobenzene and pesticides. Exhibit F. Those will pollute the groundwater, which goes into the wells of nearby homeowners as well as Goldmine Creek. To compound the problem, the extraction of groundwater by the RV park's well will create voids that will then be filled by these chemicals. Of course, pollution of the groundwater will adversely affect not only humans but the entire flora and fauna of the area. Finally, fire—which is separately addressed in our principal brief—can devastate that area. It is an overwhelming environmental hazard created by the RV park.

SPARTANBURG UMLO PROBLEM

Respondents mischaracterize Appellants' explication of the interplay between the Spartanburg UMLO and the South Carolina Local Government Comprehensive Planning Enabling Act. Appellants are not saying that the Spartanburg UMLO violates the statute. We are saying that it does not fulfill all the requirements of the statute. The statute is what governs. It is even noted by the Planning Commission of its Major Land Development Application, which Blue Sky submitted for the RV park. Exhibit B. The failure of the UMLO to follow the statute does not release the Planning Commission from the requirements of the statute. The failure of the

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Planning Commission to address fire and traffic safety issues—as required by the Local Government Comprehensive Planning Enabling Act—is fatal to its approval of the RV park. Once again, the Respondents ignore the law.

DUE PROCESS AND PROCEDURAL PROBLEMS

Due process is at the heart of American democracy. [Amendments 5 and 14 to United States Constitution; Article I, Sections 3 and 22 of South Carolina Constitution] Procedural rules must be followed. "The central tenet of due process is that each person who may be deprived of life, liberty, or property by an act of the state has a right to a fair procedure for opportunity to be heard." [Chief Justice Jean Toal Memorandum to Family Court Judges and Magistrate Court Judges re Mutual Orders of Protection, May 16, 2012]

Respondents cite *Ross v. MUSC*, 328 S.C. 51, 492 S.E.2d 62 (1997), but do not mention its discussion of the due process imperative in the South Carolina Constitution that applies specifically to agency action. "No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard." [Article I, Section 22 of the South Carolina Constitution]

They also do not mention the first *Ross v. MUSC* case, which was decided by the South Carolina Supreme Court three years earlier. That case made clear that due process also requires impartiality. "Furthermore, a reviewing court has the duty to examine the procedural methods employed at an administrative hearing to ensure that a fair and impartial procedure was used." *Ross v. MUSC,* 317 S.C. 377, 380, 453 S.E.2d 880, 883 (1994)

Appellants' principal brief recounts multiple ways that the Planning Commission trampled these requirements of law, ranging from biased decision-making to violation of the

South Carolina Freedom of Information Act and its own rules of procedure. Moreover, the violations were intentional and displayed an arrogant disregard for the law. The decision of the Planning Commission has taken the roads and undermined the property values of the Appellants and their members; and in railroading it through, the Commission violated their rights. The proper remedy for these transgressions is to overrule the Planning Commission's approval of the RV park without remand because the Planning Commission has proven that it cannot make an unbiased decision that comports with the law.

CONCLUSION

For each of the foregoing reasons standing alone—and especially because of them together—the Appellants respectfully request the Court to reverse and void the Planning Commission's approval to the RV park with finality.

Respectfully,

s/Carl F. Muller
Carl F. Muller, Bar #4131
Carl F. Muller, Attorney-at-Law, P.A.
PO Box 1717
Greenville, SC 29602-1717
864-991-8904 Phone
864-751-2831 FAX
carl@carlmullerlaw.com
Attorney for Appellants, The Enclave at Fairview Farm, Homeowners' Association, Inc., et al.,

October 11, 2023

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

EXHIBIT

A

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

FINAL AGENCY DECISION

Docket No. 21-RFR-81
T. Tree Farms RV Park (Blue Sky Associates, LLC)

This matter comes before the South Carolina Board of Health and Environmental Control ("Board") for final review pursuant to S.C. Code Ann. § 44-1-60. The Enclave at Fairview Homeowners' Association, Inc., Golden Hills of Fairview Homeowner's Association, Inc., Greenspace of Fairview, LLC, and North Pacolet Association, Inc. ("Requestors") filed a request for final review of the South Carolina Department of Health and Environmental Control ("DHEC" or "Department") staff decision to issue Permit to Construct Onsite Wastewater System, File No. 2021040112 ("Permit) to Blue Sky Associates, LLC ("Blue Sky") for the construction of an onsite wastewater system. On December 20, 2021, the Board conducted a Final Review Conference regarding the matter. After hearing presentations from the Department, Requestors, and Blue Sky, the Board overturns the staff decision for the reasons stated herein.

BACKGROUND

On April 23, 2021, the Department received the permit application for the construction of an onsite wastewater system to serve the T. Tree Farms RV Park located at 1970 Landrum Mill Road in Campobello, South Carolina in Spartanburg County ("Site"). The onsite wastewater system was designed to treat and dispose of a limited quantity of domestic wastewater discharged from 52 lots located at the Site.

After conducting its review, the Department determined that the permit application met all aspects of S.C. Code Ann. Regs. 61-56, *Onsite Wastewater Systems* ("R. 61-56") and issued the

Permit on June 22, 2021. The Requestors filed a request for review of the staff decision on October 14, 2021.

DISCUSSION

Pursuant to S.C. Code 48-1-100(c), DHEC is the state agency with jurisdiction over septic tanks. As authorized by S.C. Code 44-1-140(11), the Department promulgated S.C. Code of Regs. 61-56 ("R 61-56") to ensure onsite wastewater systems are appropriately designed to treat and dispose of domestic wastewater through a combination of natural processes that ultimately result in effluent being transmitted through the soil, renovated, and ultimately discharged to groundwater. The Department's review of onsite wastewater system permit applications is conducted in accordance with the permitting requirements set forth in R.61-56.

Pursuant to R. 61-56, onsite wastewater systems must be sized according to estimated peak sewage flow, as set forth in Appendix R of the regulation. Appendix R sets the peak sewage flow rate standards for campgrounds with no laundry and full water/sewer at 120 gallons per unit per day, but allows for the peak flow rate for non-residential facilities to be increased or reduced when comparable peak water consumption data for similar establishments in similar locations vary from the requirement. When considering such data, at least twelve (12) consecutive months must be presented with the maximum month of consumption and the days of operation per month being utilized to arrive at the peak flow rate.

In its permit application, Blue Sky presented consumption data for a KOA campground in Traveler's Rest, South Carolina ("KOA Campground") and calculations of a peak flow rate of 50.19 gallons per unit per day for the maximum month of consumption over a 12 month period. The Board finds that the KOA Campground is not a similar establishment to the proposed T. Tree Farms RV Park. Therefore, the peak flow rate standard utilized in designing the onsite wastewater

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

system in the permit application cannot be supported by the peak flow rate data for the KOA Campground.

CONCLUSION

After reviewing the written materials submitted to the Board, including the Administrative Record, and considering all arguments and evidence presented, the Board overturns and rescinds the staff decision in this matter.

Seema Shrivastava-Patel, Vice-Chairwoman
Board of Health and Environmental Control
For the Board

January 13, 2021

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

EXHIBIT

B

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

dhec

PERMIT TO CONSTRUCT
Onsite Wastewater System

File Nbr: 2021040112
County: Spartanburg

Name: T. Tree Farms RV Park (Blue Sky Associates LLC)
Program Code: 360
Type Facility: 52 Space RV Park
Address: PO Box 5930 Spartanburg, S.C. 29304
System Code: 150
Subdivision:
Block: Lot:
Site: 1970 Landrum Mill Rd. Campabello, S.C.
Water Supply: Public
TM#: 1-09-00-020.03

PERMIT TO CONSTRUCT SYSTEM SPECIFICATIONS

Daily Flow (gpd): 3120 **Tank Sizes (gal)**: Septic Tank: 5000 Pump Chamber: Grease Trap:

LTAR: .3 **Trenches:** Length (ft): 2600 Width (in): 36 Max. Depth (in): 45 Agg. Depth (in.):

Min. Pump Capacity: gpm at ft. of Head Alternative Product: 1203 EZ Flow

SPECIAL INSTRUCTIONS/CONDITIONS
(See Attached Page(s))

THIS PERMIT IS SITE SPECIFIC. ANY CHANGES TO THE SYSTEM MUST BE APPROVED BY DHEC. ANY UNAPPROVED CHANGES WILL VOID THIS PERMIT.

This Permit To Construct and Operate is issued pursuant to the SCDHEC Large and Community Onsite Wastewater Systems for Peak Flows greater than 1500 GPD.

Issuance of this Large Onsite Wastewater System Permit To Construct does not relinquish the property owner of responsibility in attaining any and all necessary approvals or permits required to develop this property.

PERMIT TO CONSTRUCT

See engineered system design and supporting documentation.

Grey Engineering
(Engineering Company)

Zachary D. Johnson
(Consulting Engineer)

SC 30735
(State and License Number)

Dennis J. DeFrancesco
(Soil Classifier)

SC 31
(State and License Number)

06/17/2021
(Plan Date)

2021006
(Project Number)

Any Permit To Construct and Operate that is issued pursuant to this Standard shall be based upon the consulting engineer's design, certification, and other supporting documentation.

Reviewed By: Brett A. Lee Date: June 22, 2021

DHEC 1781 (01/2014)
This Permit will Expire and Become Null and Void Five (5) Years from the Issuance Date.

This Permit is Appealable Under the Administrative Procedures Act. There may be an Additional Fee for Changes in this Permit that Require a Site Reevaluation.

Information collected on this form is subject to public scrutiny or release and the Freedom of Information Act.

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221
ELECTRONICALLY FILED - 2023 Sep 01 2:54 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

[redacted]

dhec

PERMIT TO CONSTRUCT
Onsite Wastewater System

File Nbr: 2021
County: Spartanburg
Page 2 of 2

SPECIAL INSTRUCTIONS/CONDITIONS

THIS PERMIT IS SITE SPECIFIC. ANY CHANGES TO THE SYSTEM MUST BE APPROVED BY DHEC. ANY UNAPPROVED CHANGES WILL VOID THIS PERMIT.

Special Instructions:

This individual sewage treatment and disposal system must be constructed in exact accordance with the Approved Plan prepared by Grey Engineering dated and stamped by Zachary D. Johnson P.E. June 17, 2021. Any deviations from this plan without prior approval from the Division voids this Permit.

This system was specifically designed to treat and dispose of a limited quantity of domestic wastewater discharged from T. Tree Farms 52 space RV Park (Blue Sky Assoc.) with a peak sewage flow of 3,120 gallons per day total. No further additions of any type shall be permitted to discharge to this system.

Installer must make Brett Fowler (803) 667-1159 email address fowlerba@dhec.sc.gov aware of their intent to begin this project and provide a rough schedule of when work will take place.

Septic tank system installer must hold a valid DHEC septic tank installers license and be a EZ Flow certified installer

Consulting Engineer Must supervise construction of system to insure that it is installed in accordance regulation 61-56 and approved plan.

The Consulting Engineer will be responsible for providing an as-built plan prior to final approval of this project.

Garbage grinders shall not be allowed to discharge to this septic system.

Do not cut, fill, grade or in any way disturb the proposed tile field area.

Do not park or drive any vehicles on the tile field area.

Do not overlay tile field area with any impervious surfaces.

The area reserved for tile field repair/replacement must remain as is. Do not cut, fill, grade or in any way disturb the proposed tile field repair area.

It is the owner's responsibility to operate the system in such a manner that hydraulic overloads and unauthorized discharges do not occur.

Only domestic waste (toilets, hand washing, etc.) is allowed to enter into the OSWW system

EXHIBIT E (Page 2)

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

dhec
SC Department of Health and Environmental Control

Application #:

Onsite Wastewater System Application

Bureau of Environmental Health Services

I, Blue Sky Associates, LLC, PO Box 5930
(Name) (Mailing Address)

Spartanburg (City/Town) SC (State) 29304 (Zip Code) kbbbil07@yahoo.com (Email Address)

Phone No.: 864-809-6484 ☑ Mobile ☐ Home ☐ Work Alternate Phone No.: ☐ Mobile ☐ Home ☐ Work

hereby make application for a Permit to Construct an Individual Sewage Disposal System to serve a:

House: ☐ Mobile Home: ☐ Other (Specify): ☐ RV Park

If in subdivision, give name: _____, Lot #: _____

Property Address: 1970 Landrum Mill Rd Campobello City: _____

County: Spartanburg Tax Map/Property Identification #: 1-09-00-020.03

Check all that apply:

Public Water: ☑ **Well:** ☐ Public ☐ Private ☐ Existing ☐ Proposed **Public Sewer Accessible:** ☐

If residential establishment, answer following:

No. Bedrooms: _____ Basement: ☐ Full ☐ Partial ☐ None Plumbing in Basement: ☐

If commercial establishment, answer following:

Type of Business: RV Park Number of Occupants: 52 Number of Employees: _____

Public Restrooms: _____ Number of Hours of Daily Operation: _____ Other: _____
(i.e., seating capacity, meals per day)

Lot Identification and Preparation

In order for your application to be processed, stake the corners of the proposed building and property corners with distinctive markers. In clear, sealed bags, place the site location card at the front of the property in a conspicuous location and place the septic location card at the proposed septic location. A legal description (plat, deed, surveyor site plan, etc.) with dimensions of the property must also be submitted with the application. Contact the regional EA office to activate your application when the lot has been staked, house site located, and lot posted. The lot should also be properly prepared by clearing all underbrush, thick vegetation, and any other features that may inhibit the site evaluation within a 150 ft radius of the proposed septic location.

Please give exact directions to lot: .4 miles NE of E Frontage Road on the Southern side of Landrum Mill Road.

I understand that the property must be properly prepared for evaluation and that I must confirm property preparation to activate the application. I also understand a reevaluation fee may be assessed if the above parameters for lot identification and preparation are not met. I certify to the best of my knowledge that the information submitted in this document is true and accurate. Permission and authority is hereby granted for DHEC representatives to enter the above-described property at reasonable hours for the purpose of onsite wastewater system inspection and/or site evaluation.

Property will be ready for activation/evaluation by DHEC on 5/27/2021 (Date).

5/27/2021 (Date)

Docket No. 21-RFR-81 Administrative Record Page 26 of 51

(Applicant/Representative Signature)

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221
ELECTRONICALLY FILED - 2023 Sep 01 2:54 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Spartanburg County
Planning & Development Department
366 N. Church St., Suite 700, Spartanburg SC 29303 Phone: (864) 596-3570 Fax: (864) 596-3018

Major Land Development Application

(for use in ULMO planning area)

Type of Major Land Development: ☐ Condo ☐ Townhouse ☐ Apartments ☐ MH Park ☑ RV Park ☐ Commercial ☐ Industrial ☐ Conditional Uses

Proposed Project/ Development Name: T. Tree Farms Phase or Section: 1
(Approved by Planning staff)

Address: 1970 Landrum Mill Road Campobello, SC Tax Map(s) #: 1-09-00-020.03

Current Land Use/Activity: Single Family Residence Proposed Land Use/Activity: RV Park

Total Square Feet of Developed Acreage: 11.2 ac Total Square Feet of Buildings: _____

Number of Lots: _____ Number of Units: 52 Number of Buildings: _____ Building Height: _____

Total Acreage: 38.68 Miles of New Rd: _____ Maintenance: ☐ Public ☑ Private ☐ Both

Road Classification: *(choose one)* ☐ Arterial ☑ Collector ☐ Minor *(Partial Restriction Map) and (ULMO)*

Appearance Corridor: ☐ 1 ☐ 2 ☐ 3 ☑ N/A *(PZO Chapter 3- Appearance Corridor Protection) (Appearance Corridor Map)*

Water District Inman Campobello Water Sewer District N/A Fire District New Prospect Fire

☑ Septic or ☐ Sewer ☐ Wells *(DHEC forms must be taken directly to the health department and fees paid)*

Council District Two Census Tract _____ *(staff)*

Applicant: ☑ Owner ☐ Developer ☐ Engineer ☐ Surveyor ☐ Agent ☐ Person(s) Contracting for Sale

Owner: Blue Sky Associates, LLC Phone: 864 809-6484

Address: PO Box 5930 City: Spartanburg State: SC Zip: 29304

Email: kbbbic07@yahoo.com

Developer: _____ Phone: _____

Email: _____

Surveyor: _____ Phone _____

Email: _____

Engineer: Gray Engineering Consultants - Zach Johnson Phone: 864-297-3027

Email: zach@grayengineering.com

Contact Person/Agent: _____ Phone: _____

Email: _____

Pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act (Section 6-29-1145 of the South Carolina Code of Laws), is this tract or parcel restricted by any recorded covenant, restriction, easement, etc., that is contrary to, conflicts with or prohibits the (proposed) permitted activity? ☐ Yes ☑ No

I hereby authorize the staff of the Planning and Development Department to inspect the premises of the above-described property.
I hereby certify and agree that I am authorized to make this application and that the above information is true and correct.

Kimberli Burnett 11/29/21

PRINTED NAME AND APPLICANT SIGNATURE DATE

ULMO Revised: 3/24/20 BB

00569

EXHIBIT

C

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Search

DEVELOPPER-0223-0325 (1970 LANDRUM MILL RD CAMPOBELLO, SC 29322)

- Summary
- Details
- Location
- Additional Info
- Workflow
- Linked Records
- Holds
- Contacts (2)
- Fees (1)
- Bonds
- Activities
- Files (8)
- Print Documents
- Conditions
- Tasks
- Internal Notes
- Inspection Cases
- Communication
- Review Team

GENERAL INFO | PROPERTY ATTRIBUTES | SPECIFICATIONS

This Application is for *
New Construction

Project Name *
T. Tree Farms

Proposed Activity *
Campground or RV Park

Type of Current Activity *
- [x] Vacant
- [ ] Residential
- [ ] Industrial
- [ ] Commercial
- [ ] Office
- [ ] Institutional

Square Footage *
38409

Fees are calculated based on the square footage of buildings. Mining, Landfill, Race Track and other such uses for which the primary function is located outdoors shall be charged by the square footage of land utilized for the primary use.

If "Group Assembly" activity (church, theaters, bowling alleys, etc.) or restaurant is planned, please indicate number of seats and/or participants.

Pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act (Section 6-29-1145 of the South Carolina Code of Laws), is this tract or parcel restricted by any recorded covenant, restriction, easement, etc., that is contrary to, conflicts with or prohibits the (proposed) permitted activity?

Water or Well? *
Well

If selected water above, list water provider
ICW

Septic or Sewer? *
Septic

If selected sewer above, list sewer provider.

Number of Stories
0

Number of Units
49

Max Building Height

Hours of operation

Number of Spaces

# of Seats

No

5

005771

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221
ELECTRONICALLY FILED - 2023 Sep 01 2:54 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

DEVELOPER'S APPLICATION – DIFFERENTIATES "WATER OR WELL" AND STATED "ICW"

General Info

Proposed Maintenance of New Road Private

This Application is for New Construction

Project Name T. Tree Farms

Proposed Activity Campground or RV Park

Type of Current Activity

- Vacant
- Residential
- Industrial
- Commercial
- Office
- Institutional

Water or Well? Well

If selected water above, list water provider. ICW

Septic or Sewer? Septic

If selected sewer above, list sewer provider.

Number of Stories 0

Number of Units 49

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

EXHIBIT

D

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Section 3.11 Outdoor Gun or Skeet Range

Due to potential danger and noise generated by these uses, the following criteria shall govern their location in Spartanburg County.

The use shall be oriented away from inhabited areas.

The site upon which the use is proposed shall be suitable in size and topography to insure the safety of surrounding residents as determined by the Spartanburg County Planning Department Staff. (Refer to Table 3.)

Section 3.12 Sexually Oriented Businesses

Owing to the potentially deleterious effects as a result of the location or concentration of sexually oriented businesses within the County, such uses in addition to meeting the requirements of Table 3 shall be permitted, operated and regulated in accord with the requirements of Ordinance No. 670, as amended; said Ordinance herein adopted and incorporated in its entirety by reference.

Section 3.13 Camps and Recreational Vehicle Parks (SIC 703)

Camps and recreational vehicles (RV) parks shall comply with the following site and design standards.

1. Exposed surfaces shall be covered or protected with vegetative growth capable of preventing soil erosion.
2. The site shall be developed in a manner that preserves natural features and landscape.
3. The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
4. No site shall be located less than 150 feet from drinking water supply or 300 feet from a comfort station.
5. Maximum density shall not exceed 15 vehicles per acre, with minimum 10-foot separation.
6. Bufferyards shall be as specified by Section 2.02-2.
7. Areas designated for parking and loading or for circulation shall be physically separated from public streets. All one-way drives shall be 12' wide, and two-way drives shall be 20' wide, and shall be located at least 150 feet from any street intersection. All interior streets shall be private and not public, and shall be constructed with a 4" compacted stone travel-way approved by the County Engineer. Street grades shall not exceed 12 percent.
8. Each park site shall be serviced by public water and sewer or other systems approved by DHEC.
9. Durable, watertight, refuse containers, with fly-tight covers sufficient to contain all refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than 300 feet from any camp or picnic site unless provided at the campsite. Refuse containers shall be provided at the rate of eight cubic feet (60 gallons) for each five campsites or the equivalent thereof if containers are provided at individual sites.
10. The site, if located on a corner lot, may access a minor road, when both roads are maintained by the South Carolina Department of Transportation, notwithstanding the limitation in Table 3b that prevents a site from accessing a minor road.

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

EXHIBIT

E

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221
ELECTRONICALLY FILED - 2023 Sep 01 2:54 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

MacDonald, Leigh

From: Waverly Wilkes <wwilkes@grayengineering.com>
Sent: Friday, February 17, 2023 9:12 AM
To: MacDonald, Leigh
Subject: Re: T. Tree Farms RV Park
Attachments: Comment Response Packet.pdf; Updated Preliminary Plat 2.16.22.pdf

Hey Leigh,

I hope you are doing well today and having a great Friday! I wanted to see how you wanted me to resubmit the revised plat and supporting documentation, it looks like I unable to resubmit through the portal without uploading the documents under the wrong file "types." I've attached the updated plat, comment response letter, and supporting documents as requested.

Of course if there is anything additional you need please let me know,

Waverly

Waverly Wilkes, P.E.
Senior Project Engineer || Gray Engineering
P: (864) 297-3027 Ext. 128
C: (864) 706-7268
E: wwilkes@grayengineering.com

132 Pilgrim Road
Greenville, SC 29607
www.grayengineering.com

------ Original Message ------
From: "MacDonald, Leigh" <lmacdonald@spartanburgcounty.org>
To: "Waverly Wilkes" <wwilkes@grayengineering.com>
Sent: 2/15/2023 1:54:10 PM
Subject: T. Tree Farms RV Park

Good afternoon, Waverly!

I have some questions related to the site plan submittal for T. Tree:

1. Can you please provide some additional information regarding the "Test Well"? Where is the location of the well intended for use to service the RV Park? Can you please upload a copy of the permit for this well?

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221
ELECTRONICALLY FILED - 2023 Sep 01 2:54 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

2. Please upload a copy of the permit for the septic system. Is the location of the shown Sanitary Sewer Septic Field approved by DHEC?
3. Please show the location of the underground tank and upload the Fire Protection Package.
4. Please label the sign as approximate entrance sign location and notate that a Sign Permit will be obtained from the Planning Department.
5. Can you please provide some additional details regarding how the business will operate without an office for now? Where will the business be running from?
6. Please provide square footages of office and pool.
7. Please provide height of building.
8. Plan references architectural plans for dumpster enclosure design. Can you please upload?
9. Please revise front setback to 65' from the centerline of the road.
10. Can you please tell me how many employees the business will have?
11. Please revise Note #3 to reflect new acreage of new parcel.
12. Please revise the district to District 2.
13. I keep counting only 81 spaces; however, the plan indicates 82 spaces are provided. Please advise.
14. Please advise how lighting is to be arranged for spaces that will be used at night. Lights should be shielded and lighting should be kept on own property.
15. Please provide 4 handicap spaces.
16. Please correct scale in both places. It seems to be 1"=60' to me.
17. Are these spaces to be self-contained? No space should be further than 150' from a drinking water supply or 300' from a comfort station.
18. Please clarify how Section 3.13 (9) is going to be met. No site shall be further than 300' from a central area; however, there is only one dumpster shown. 60 gallons per 5 sites shall be provided.
19. qPublic indicates parcel 1-09-00-020.08 to have an address of 195 rather than 199.
20. qPublic indicates parcel 1-09-00-007.42 to have an owner of Gregory W Hall.

Happy to discuss any of these items in further detail. Let me know if you have any questions. Have a great day!

Leigh MacDonald
Current Planning Manager
Spartanburg County Planning & Development
366 N. Church St., Suite 700
Spartanburg, SC 29303

Development/Zoning Applications begin here → CSS

Office: (864)-596-3463
Fax: (864)-596-3018
Website: spartanburgcounty.org

Virus-free.www.avast.com

EXHIBIT

F

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

NC DEPARTMENT OF
HEALTH AND
HUMAN SERVICES

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
MARK BENTON • Deputy Secretary for Health
SUSAN KANSAGRA • Assistant Secretary for Public Health
Division of Public Health

MEMORANDUM

DATE: July 13, 2023

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

FROM: On-Site Water Protection Branch

RE: Permitting and Design Guidance for Wastewater Treatment and Dispersal Systems for Recreational Vehicle Parks – UPDATED (from June 2023)

I. Background

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

This guidance document outlines design considerations, permitting procedures, and management methods for RV Parks consistent with applicable Statutes and Rules. Consistent with National Fire Protection Association Standards (NFPA), an RV Park addressed by this guidance includes two or more RVs located on an individual lot or tract of land or multiple RVs, each located on adjoining lots under common ownership or control. The RV Park is served by a common system sized in accordance with this document and not as a dwelling unit or each RV may be served by an individual system located on common property.

Individual RVs on separately owned parcels not under common control or RVs that are designed or used as permanent dwelling units are required to meet the same requirements as a dwelling unit.

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

c. If utilized, use odor control chemicals sparingly that are enzyme- or bacteria-based and do not contain:
   I. formaldehyde,
   II. para-formaldehyde,
   III. quaternary ammonium,
   IV. dichlorobenzene, or
   V. pesticides

ELECTRONICALLY FILED - 2023 Oct 12 11:19 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2024 May 01 12:55 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG South Carolina Native Plant Society, Appellant, vs. The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents.	)	IN THE COURT OF COMMON PLEAS C/A NO.: 2023-CP-42-01221 C/A NO.: 2023-CP-42-01367 **MOTION TO ALTER OR AMEND**

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG The Enclave at Fairview Farm Homeowners' Association, Inc., Golden Hills of Fairview Homeowner's Association, Inc., Greenspace of Fairview, LLC, North Pacolet Association, Inc., Debra A. Whitaker, Charles D. Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judie R. Klapholz, Trustee of the Judie R. Klapholz Trust, and Slater Properties, Inc., d/b/a Caroland Farms, Appellants, vs. Spartanburg County, SC, Spartanburg County Planning Commission, and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents.	)	IN THE COURT OF COMMON PLEAS C/A NO.: 2023-CP-42-01226 C/A NO.: 2023-CP-42-01545

TO: THE HONORABLE J. MARK HAYES, II AND ALL COUNSEL OF RECORD:

ELECTRONICALLY FILED - 2024 May 01 12:55 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

YOU WILL PLEASE TAKE NOTICE THAT Respondents, Spartanburg County, SC, Spartanburg County Planning Commission, and Blue Sky Associates LLC, by and through their undersigned counsel, will appear before the Honorable J. Mark Hayes, II, at the Spartanburg County Courthouse on the tenth day following service hereof, or at such other place and time as may be designated by the Court, and then and there request the Court alter or amend its April 22, 2024, Opinion and Order in the within matter. This motion is made pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure and upon the following considerations:

a. In executing Appellants' proposed order, the remedy of vacatur was improper and requires clarification as the Court denied Appellants' appeal in part and granted it in part. Respondents will demonstrate that the appropriate remedy would be a remand back to Spartanburg County Planning Commission for consideration of any amended application that might be filed.

b. In executing Appellants' proposed order, the Court granted relief on Appellants' allegation that the Planning Commission erred in its interpretation of section 3.13 of the Spartanburg County ULMO with regard to the "public water" issue. However, the Court's Form 4 order only references the following:

> Thus, the assertion that each of the RVs site may be unique because it is anticipated each will have individual hook ups for water and sewage so that the comfort station requirement is excused is not before this Court as a consideration. Also not before this Court are the concerns of RVs without bathroom, broken bathrooms, visitors to the park who do not have RVs or whether none compliance is for the overall safety and wellbeing of the park's user and its surrounding community.

(Court's March 8, 2024 Form 4 at 3)

These alleged problems only relate to the "comfort station" issue in section 3.13 of the ULMO, and do not support any finding of error on the question of the water source, or

ELECTRONICALLY FILED - 2024 May 01 12:55 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

the Commission's construction of the phrase "public water" in its ordinance. Respondents maintain that Appellants have taken advantage of an ambiguity in the Court's Form 4 Order which only states:

> After reviewing all the written and oral arguments, the commission's conditional approval of the RV park development, the appeals are not granted except as to the issues involving the water and comfort stations/sewage system.
>
> Section 3.13 of the ULMO governs this Court's decision to reverse the Commission on this issue. 3.13 is mandatory since the terms "shall comply" is used when setting forth the site and design standards. The mandated standard incudes that "No site shall be located less than 150 feet from drinking water supply or 300 feet from a comfort station" and "Each park site shall be serviced by public water and sewer or other systems approved by DHEC."
>
> (Court's March 8, 2024 Form 4 at 3)

These paragraphs mention "water," "comfort stations" and "sewage system" but the issue or issues with which the Court found fault require clarification. When the two passages are read together in context, the only clear ground upon which the Court granted Appellants relief was the "comfort station" issue.

Finally, in communications between the Court and counsel on the content of the Order and Opinion, the Court explicitly invited the parties to resolve these ambiguities in the appropriate post-trial motions which the Court would promptly hear. Respondents are simply following the direction of the Court in this regard.

Signatures Appear on Following Page

May 1, 2024

s/ Alexander Shissias

Alexander G. Shissias, SC Bar #11610
Alex@shissiaslawfirm.com
THE SHISSIAS LAW FIRM, LLC
1727 Hampton Street
Columbia, South Carolina 29201
803.540-3090

Attorney for Respondent
Blue Sky Associates, LLC

HOLCOMBE BOMAR, P.A.
s/ A. Todd Darwin
A. Todd Darwin
SC Bar No.: 7032
Post Office Box 1897
Spartanburg, SC 29304
(864) 594-5300 Phone
(864) 585-3844 Fax
tdarwin@holcombebomar.com

Attorney for Respondent Spartanburg County Planning Commission

ELECTRONICALLY FILED - 2024 May 01 12:55 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2024 Jul 19 3:19 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG South Carolina Native Plant Society, Appellant, vs. The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents.	)	IN THE COURT OF COMMON PLEAS C/A NO.: 2023-CP-42-01221 C/A NO.: 2023-CP-42-01367 **MEMORANDUM IN SUPPORT OF MOTION TO ALTER OR AMEND**

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG The Enclave at Fairview Farm Homeowners' Association, Inc., Golden Hills of Fairview Homeowner's Association, Inc., Greenspace of Fairview, LLC, North Pacolet Association, Inc., Debra A. Whitaker, Charles D. Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judie R. Klapholz, Trustee of the Judie R. Klapholz Trust, and Slater Properties, Inc., d/b/a Caroland Farms, Appellants, vs. Spartanburg County, SC, Spartanburg County Planning Commission, and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents.	)	IN THE COURT OF COMMON PLEAS C/A NO.: 2023-CP-42-01226 C/A NO.: 2023-CP-42-01545

TO: THE HONORABLE J. MARK HAYES, II AND ALL COUNSEL OF RECORD:

ELECTRONICALLY FILED - 2024 Jul 19 3:19 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Respondent Blue Sky Associates LLC, by and through its undersigned counsel submits the within memorandum in support of the May 1, 2024, motion to alter or amend the Court's April 22, 2024, Order, filed by Respondents Spartanburg County, SC, Spartanburg County Planning Commission, and Blue Sky Associates LLC.

In summary, the Court's Order regarding the issue of the water supply is contrary to settled law, constituting an abuse of discretion, and warranting reversal on appeal, and contradicts the Court's ruling on the sewer issue. Respondent requests the order expressly state that it is limited to the "comfort station" issue. Finally, an order that "vacates" the decision of the Planning Commission is inappropriate where a single fault is found and where that fault can be remedied by the applicant. Federal administrative law indicates that under these circumstances, remand without vacatur is an appropriate remedy that does not subject the Respondent to unnecessary hardship and which prevents duplicative or premature appeals.

Under South Carolina law, a motion to reconsider is appropriate in two basic situations. First, "[a] party may wish to file such a motion when [he] believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it." *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004). Second, "[a] party must file such a motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review." *Id*. Respondent believes that the court has not fully considered either the issue of the drinking water supply for the project or the relief ordered, and so a Rule 59(e) motion is appropriate.

ARGUMENT

I. The Court erred in executing an order finding for the Appellants on the drinking water supply issue.

Section 3.13 (8) of Spartanburg County's Unified Land Development Ordinance, ("ULMO") Ordinance No. O-99-015 reads in pertinent part: "Each park site shall be serviced by public water and sewer or other systems approved by DHEC." In signing the proposed Order, the Court found that the water supply for the project did not comply with the standard as it was not "public water." In their prehearing brief Respondents presented argument that the only relevant

ELECTRONICALLY FILED - 2024 Jul 19 3:19 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

definition of "public water" was based on the definition of "public water system" found in DHEC regulations. However, the water supply also satisfies Section 3.13 (8) if it is "approved by DHEC." At the hearing, Respondents showed that the water supply was "approved by DHEC." Indeed, any permit for any "public water system" issued by DHEC under state drinking water regulations is by necessity "approved by DHEC."

Black letter law holds that when a phrase in a statute or ordinance contains the word "or," it is to be read in the disjunctive. *Brewer v. Brewer*, 242 S.C. 9, 129 S.E.2d 736 (S.C. 1963).

> The word 'or' used in a statute, is a disjunctive particle that marks an alternative. *Ohio Fuel Supply Co. v. Paxton*, D.C., 1 F.2d 662. The word 'or' used in a statute imports choice between two alternatives and as ordinarily used, means one or the other of two, but not both." *Marshall Field & Co. v. Freed*, 191 Ill. App. 619; *White v. Atchison T. & S. F. Ry. Co.*, 125 Kan. 537, 265 P. 73, 59 A.L.R. 749; *Swift & Co. v. Bonvillain*, 139 La. 558, 71 So. 849.

See K & A Acquisition Group v. Island Pointe, 682 S.E.2d 252, 383 S.C. 563 (S.C. 2009), "Because the requirements for the SCDOT [in S.C. Code Ann. § 57-5-340] are written using the disjunctive 'or,' we conclude the General Assembly has authorized the SCDOT to sell surplus property either through advertisement or direct negotiations." *See also South Carolina Dep't. of Health and Environmental Control v. Fed-Serv Industries, Inc.*, 362 S.E.2d 311, 294 S.C. 33 (S.C. App. 1987) (rule applied in context of a state regulation).

Section 3.13 (8) of the ULMO must also be read in the disjunctive, requiring RV parks to be "…serviced by public water" "…or other systems approved by DHEC." (emphasis added). The fact that a water supply system had been "approved by DHEC" was raised at the hearing on November 28, 2023. At the hearing, counsel for Respondent Blue Sky requested that the Court take judicial notice of the fact that DHEC had issued a drinking water supply permit on November 17th, 2023, Public Water System # 4270802, permit 37154-WS[1]. *See* SCRE 201 (b) (Court may take judicial notice of facts not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.) The Court may take judicial notice, whether requested or not, and judicial notice may be taken at any stage of the proceeding. *See* SCRE 201 (c) and (f). *See also Eighteen Ink, LLC v. S.C. Dep't of Revenue,*

[1] Respondents could not have put this issue in their prehearing brief, as the Court's July 11, 2023, scheduling order required Respondents to file their only brief on October 2nd, 2023, before the water supply had been "approved by DHEC."

ELECTRONICALLY FILED - 2024 Jul 19 3:19 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

2023-UP-288 (S.C. App. Aug 09, 2023) (Party filed motion with Court of Appeals requesting that Court take judicial notice of documents related to DOR permits, and the Court referenced those documents in its Order.)

Appellants did not, and cannot dispute DHEC's approval of the project's water supply, and were aware of it as DHEC notified them of the permit issuance pursuant to S.C. Code Ann. §44-1-60 (E)(1). Again, counsel for Respondent Blue Sky discussed this notification at the hearing.[2] Appellants did not object to the Court taking judicial notice of this fact, and in fact did not mention it at all during the hearing or in their proposed order. Appellants also did not file a challenge to DHEC's approval of the water supply, and so the permit became final as a matter of law on Monday, December 4, 2023.[3]

Respondent also maintains that it would be error for the Court to find that the project is not served by "public water," as the only meaningful distinction between what is a public water system and what is not is found in S.C. Code Ann. Regs. 61- 58 (B) (150). Respondent would point out that it makes no sense for a zoning ordinance to only allow RV Parks by right in those parts of the County where drinking water is available from a municipality, public service district, or private water provider such as Blue Granite, and to require RV Parks in other parts of the County to obtain a variance. Respondents must win on this issue because regardless of how the Court construes the phrase "public water" in the ULMO, the project's water supply system is "approved by DHEC."

ULMO Section 3.13 (8) contains the same requirements for sewer and drinking water. RV Parks must be served by "public water or sewer" or "other systems approved by DHEC." Throughout this appeal, there has been no argument over whether the project's sewer system must be "public sewer" AND approved by DHEC. The sewer system is not "public" in that it is not connected to a municipal sewer collection system; it only serves the project. Neighboring landowners would not be allowed to connect to it either, so it is not "public" in that sense. Appellants unsuccessfully challenged the project's sewer supply on the ground that it had not been "approved by DHEC," and did not allege that it was not, or had to be "public sewer." The Court upheld the sewer issue as the sewer system had been "approved by DHEC." Again, ULMO Section

[2] The public may access notices relating to the issuance of this permit on https://apps.dhec.sc.gov/Environment/EnvironmentalApplicationTracker/ and searching "Blue Sky" under the "applicant" field. Respondents further notes that while the Blue Sky was issued the permit on November 17th, the permit bears an issuance date of November 7th.

[3] Another fact of which the Court may take judicial notice.

ELECTRONICALLY FILED - 2024 Jul 19 3:19 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

3.13 (8) treats the water and sewer requirements identically. As the sewer service has been upheld on the ground that it was "approved by DHEC" so too must the water service be upheld as it is "approved by DHEC." To do otherwise would be self-contradictory and constitute reversible error. The Court did not fully consider this issue when it executed Appellants' proposed Order.

II. The Court erred in "Vacating" the decision of the Planning Commission where the proper remedy would be a remand.

In executing Appellants' proposed order, the remedy of vacatur was improper and requires clarification as the Court denied Appellants' appeal in part and granted it in part. The appropriate remedy would be a remand back to Spartanburg County Planning Commission for consideration of any amended application that might be filed. In correspondence from the Court, the Court stated "I hope my intent is clear that I do not disagree with the entire conditional approval, just the part(s) referenced in the order." It is possible that counsel for Respondent places too much emphasis on the word "vacate," but our concern is valid.

This project has already appeared before the Planning Commission twice, and each time appellants have filed appeals. Following the March 2023 Commission decision Appellants filed two separate appeals of the Commission's decision, and the Plant Society requested that the Commission reconsider its decision. When that reconsideration was not granted, all the Appellants appealed that refusal to reconsider. At every stage Appellants have accompanied their filing with voluminous documents, virtually all of which are irrelevant to the proceeding. The record on appeal accompanying these four consolidated cases consists of thousands of pages, only a handful of which were referenced by any party.

The Plant Society raised six grounds of appeal, and the HOA Appellants raised seven grounds of appeal, including the reconsideration claim. If the Court intends to limit its holding to the "comfort station" issue, that needs to be made clear as part of any order. The other issues the Court considered and rejected cannot be raised again before the Planning Commission on remand. If the sole issue the Planning Commission is considering is the comfort station, Appellants cannot be allowed to come up with new grounds for appeal that could have, but were not raised in the four appeals currently before the Court. They are not entitled to more than one bite at the apple. Without clear indication of what will and what will not be at issue before the Planning Commission,

ELECTRONICALLY FILED - 2024 Jul 19 3:19 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Appellants will seize on any ambiguity to bring another far ranging set of appeals with a massive, unwieldy record on appeal for the Court to review in a new appeal.

By way of example- if the Planning Commission takes it upon itself to conclude that the "comfort station" issue is the sole issue before it, this decision itself will offer new grounds for appeal. Appellants can (and will) raise the Commission's refusal to consider their litany of newly alleged shortcomings in the application as errors of law on appeal. This would subject Respondent to significant delay and hardship, which is frankly what Appellants intend.

In federal administrative law, courts have considered the proper remedy when agency action is found deficient. Often the remedy is vacatur. However, courts have established a test for when remand without vacatur is appropriate, often in the case of challenges to agency regulations. This is the two step analysis found in *Allied-Signal, Inc. v. U.S. Nuclear Regulatory Commission,* 988 F.2d 146 (D.C. Cir. 1993) and its progeny. The first step of the test is the seriousness of the deficiencies noted in the Court's order, and whether or not the agency's actions might be justified on alternate grounds if the case is remanded back to the agency. The second step is the potential for disruption, reflecting the extent of the costs that can result from a vacatur, on the agency, on the regulated party, and on third parties.

The concept of remand without vacatur has been adopted by several Federal Circuits and many adopt a variation of *Allied Signal*.[4] The Supreme Court could be said to have approved remand without vacatur in passing, *see Fla. Power & Light Co. v. Lorion*, 470 U.S. 729, 744 (1985).

The deficiency identified by the Court is limited to a single issue, namely the fact that Respondent Blue Sky's plan must have comfort stations located within 300 feet of each RV site. Respondent Blue Sky has submitted a revised plan for review that complies with that requirement, and clearly can comply with the Court's interpretation of the ordinance.[5]

[4] *Nat. Res. Def. Council v. EPA*, 808 F.3d 556, 584 (2d Cir. 2015); *Black Warrior Riverkeeper v. U.S. Army Corps of Eng'rs*, 781 F.3d 1271, 1289-90 (11th Cir. 2015); *see also Ctr. for Biological Diversity v. U.S. Forest Serv.*, No. 17-CV-372, 2021 WL 855938 (S.D. Ohio Mar. 8, 2021) (interpreting Sixth Circuit case law to permit the remedy). The Supreme Court seems to have approved the concept of remand without vacatur in passing, *see Fla. Power & Light Co. v. Lorion*, 470 U.S. 729, 744 (1985).

[5] Respondent Blue Sky can accomplish the addition of two comfort stations under its current wastewater permit. Blue Sky's application for a wastewater permit is found in the Record on Appeal as the twelfth exhibit uploaded with the Court on August 1, 2023, at 13:26. It calls for 52 RVs and two bathrooms. The application approved by the Planning Commission in March of 2023 had 49 RVs and no bathrooms, a lower loading rate.

ELECTRONICALLY FILED - 2024 Jul 19 3:19 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Regarding the second prong, an order that "vacates" the Commission's decision below invites the Appellants to argue that Respondent must start all over again with an entirely new application. The situation discussed on pp. 5-6 *supra*, which is likely to occur if the Court does not clarify what is and what is not upheld, will cause significant disruption.

Finally, an order of remand will prevent Appellants from filing a premature appeal of this Court's decision as a remand order is interlocutory and not immediately appealable. *See Charlotte-Mecklenburg Hospital Authority v. S.C. Dep't. of Health and Env'tl Control*, 387 S.C. 265, 692 S.E.2d 894 (2010) (ALC order remanding case back to DHEC where there has been no final judgment is considered interlocutory and not immediately appealable). See also Rule 72, SCRCP, n1. In this case, the Court denied the appeal in part and upheld it in part. Had the Court simply reversed a decision of a county land use authority, as it has done in other cases, that would be a final decision giving rise to appeal rights. *See, e.g. Spartanburg County et al. v. Spartanburg County Board of Zoning Appeals, et al.,* 2023-CP-42-01155. February 20, 2024. Here the Court's order clearly contemplates further action on the part of Respondent, and so the remedy of remand is entirely appropriate and will not act to prejudice the rights of Appellants.

Signature Appears on Following Page

July 19, 2024

s/ Alexander Shissias

Alexander G. Shissias, SC Bar #11610
Alex@shissiaslawfirm.com
THE SHISSIAS LAW FIRM, LLC
1727 Hampton Street
Columbia, South Carolina 29201
803.540-3090

Attorney for Respondent
Blue Sky Associates, LLC

ELECTRONICALLY FILED - 2024 Jul 19 3:19 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

RECEIVED
Nov 20 2024
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Mark Hayes II, Circuit Court Judge

Consolidated Case Nos. 2023-CP-42-01221,
2023-CP-42-01226, 2023-CP-42-01367,
2023-CP-42-01545
Appellate Case No. 2024-001828

South Carolina Native Plant Society, Appellant,

v.

The Spartanburg County Planning Commission and Blue Sky Associates, LLC, d/b/a T. Tree Farms RV Park, Respondents,

and

The Enclave at Fairview Farm Homeowners' Association, Inc., Golden Hills of Fairview Homeowners Association, Inc., Greenspace of Fairview, LLC, North Pacolet Association, Inc., Debra A. Whitaker, Charles D. Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judie R. Klapholz, Trustee of Judie R. Klapholz Trust, and Slater Properties, Inc., d/b/a Caroland Farms, Appellants,

v.

Spartanburg County, SC, Spartanburg County Planning Commission, and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents.

MOTION TO DISMISS APPEALS

Respondent Blue Sky Associates, LLC, d/b/a T. Tree Farms RV Park, by and through its undersigned counsel, moves for a dismissal of the within appeals pursuant to Rule 240, SCACR. Dismissal is proper because the circuit court order from which appeal has been taken is not final

and is not immediately appealable. Therefore, this court lacks jurisdiction to hear an appeal of the circuit court order.

Rule 201, SCACR, states: "Appeal may be taken…from any final judgment, appealable order or decision." S.C. Code Ann. §14-3-330 identifies what constitutes an appealable order. The appealed-from order in this matter does not fall within the categories set forth within the statute: It does not involve the merits of the case, it is not a final judgment, it does not affect a substantial right, it does not strike a pleading, and it does not involve injunctive relief or the appointment of a receiver. It is not immediately appealable under Rule 201, SCACR or §14-3-330.

In this case, the circuit court issued an order on April 22, 2024. While Appellants purport to have also appealed the April 22, 2024 order, Respondents timely filed a Rule 59(e) motion, staying the finality of the April 22, 2024 order under Rule 203(b)(1), SCACR. After a hearing on the Rule 59(e) motion, on September 26, 2024, the court issued a Form 4 order. The Form 4 order stated that the order "does not end the case" and "[f]ormal Order to follow." Judge Hayes could not have been more clear. The image of the relevant portion of the order is reproduced here:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk : **See page 2 for additional information. Formal Order to follow.**

Even if Judge Hayes' Form 4 order was final (it is not) Appellants' appeal is premature. Pursuant to Rule 203(b)(1), SCACR, "When a form or other short order or judgment indicates that a more full and complete order or judgment is to follow, a party need not appeal until receipt of written notice of entry of the more complete order or judgment." "Any judgment or decree, leaving some further act to be done by the [circuit] court before the rights of the parties are

determined, is interlocutory and not final." *Ex Parte Wilson*, 367 S.C. 7, 625 S.E.2d 205 (2005). *See also Cheap-O's Truck Stop, Inc. v. Cloyd*, 350 S.C. 596, 567 S.E.2d 514 (S.C. App. 2002) (*cert granted; dismissed as improvidently granted November 24, 2003)*:

> As a matter of practice and convenience, a Form 4 order is used on a plethora of occasions as a FINAL ORDER. IF the Form 4 order is NOT efficacious as a final order, the circuit court will specifically and with certitude signify:
> (1) a more formal order will be filed; OR
> (2) the final order will be prepared by Attorney;_____ OR
> (3) through the use of words and phrases what action will follow.

In this case Judge Hayes signified (with specificity and certitude) condition (1). His order cannot be final. This case is controlling. Accordingly, for the reasons set forth hereinabove, these appeals should be dismissed.

Respectfully Submitted,

THE SHISSIAS LAW FIRM, LLC

s/*Alexander G. Shissias*
Alexander G. Shissias (SC Bar No. 11610)
1727 Hampton St.
Columbia, SC 29201
803-540-3090
alex@shissiaslawfirm.com

RECEIVED
Nov 20 2024
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Mark Hayes II, Circuit Court Judge

Consolidated Case Nos. 2023-CP-42-01221, 2023-CP-42-01226, 2023-CP-42-01367, 2023-CP-42-01545
Appellate Case No. 2024-001828

South Carolina Native Plant Society, Appellant,

v.

The Spartanburg County Planning Commission and Blue Sky Associates, LLC, d/b/a T. Tree Farms RV Park, Respondents,

and

The Enclave at Fairview Farm Homeowners' Association, Inc., Golden Hills of Fairview Homeowners Association, Inc., Greenspace of Fairview, LLC, North Pacolet Association, Inc., Debra A. Whitaker, Charles D. Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judie R. Klapholz, Trustee of Judie R. Klapholz Trust, and Slater Properties, Inc., d/b/a Caroland Farms, Appellants,

v.

Spartanburg County, SC, Spartanburg County Planning Commission, and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents.

CERTIFICATE OF SERVICE

The undersigned certifies that on November 20, 2024, he caused to be served the foregoing Motion to Dismiss upon all counsel of record, via electronic means, to counsel's email address

on file with the South Carolina Attorney Information System.

THE SHISSIAS LAW FIRM, LLC

s/*Alexander G. Shissias*
Alexander G. Shissias (SC Bar No. 11610)
1727 Hampton St.
Columbia, SC 29201
803-540-3090
alex@shissiaslawfirm.com

RECEIVED
Dec 02 2024
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Consolidate Case Nos. 2023-CP-42-01221, 2023-CP-42-01226, 2023-CP-42-01367, 2023-CP-42-01545
Appellate Case No. 2024-001828

South Carolina Native Plant Society, Appellant,

vs.

Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents,

and

The Enclave at Fairview Farm Homeowners' Associations, Inc., Golden Hills of Fairview Homeowners' Association, Inc., Greenspace of Fairview, LLC, North Pacolet Association, Inc., Debra A. Whitaker, Charles D. Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judie R. Klapholz, Trustee of The Judie R. Klapholz Trust, and Slater Properties, Inc., d/b/a/ Caroland Farms, Appellants

vs.

Spartanburg County, SC, Spartanburg County Planning Commission, and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents,

---

JOINT RESPONSE OF APPELLANTS TO MOTION TO DISMISS APPEALS

On October 28, 2024, the South Carolina Native Plant Society, Enclave at Fairview Farm Homeowners' Associations, Inc., Golden Hills of Fairview Homeowners' Association, Inc., Greenspace of Fairview, LLC, North Pacolet Association, Inc., Debra A. Whitaker, Charles D.

Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judie R. Klapholz, Trustee of The Judie R. Klapholz Trust, and Slater Properties, Inc., d/b/a/ Caroland Farms (collectively, "Appellants") appealed the orders of the Honorable J. Mark Hayes, II dated April 22, 2024 and September 26, 2024.[1] On November 20, 2024, Respondent Blue Sky Associates, LLC, d/b/a T. Tree Farms RV Park filed a motion to dismiss the appeal as premature. Appellee Spartanburg County Planning Commission has not joined in the motion. For the reasons set forth below, Blue Sky's motion is without merit and should be denied.

Blue Sky contends that Judge Hayes' September 26, 2024 Order is not appealable because it is not a final order. That is incorrect. Judge Hayes' Order makes clear that it is the "Statement of Judgement by the Court" and there is no formal order to follow. The court's Order is reproduced below.

> **IT IS ORDERED AND ADJUDGED:** ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:
>
> These consolidated appeals came before this court on Sptbg County's, Sptbg County Planning Commission's, and Blue Sky's Motion for Reconsideration of an Order electronically issued on April 22, 2024. After receiving briefing and arguments from all parties, the motion is granted to the extent that the court needs to clarify the term "vacate". The term vacates means that the matter is remanded to the commission. This court declined the invitation to give further direction to the commission.

Exhibit 3 at 1.

[1] Judge Hayes' April 22, 2024 Order granted in part Appellants' challenge to the Spartanburg County Planning Commission's conditional approval of Blue Sky Associates' T. Tree Farms RV Park and vacated the approval. *See* Opinion and Order, *S.C. Native Plant Society v T. Tree Farms RV Park*, Case No. 2023-CP-42-01367 (filed Apr. 22, 2024) (Exhibit 1). Subsequently, Blue Sky filed a Rule 59(e) motion for reconsideration of the court's April 22, 2024 Order. *See* Motion to Alter or Amend, *S.C. Native Plant Society v T. Tree Farms RV Park*, Case No. 2023-CP-42-01367 (filed May 1, 2024) (Exhibit 2). Blue Sky argued, among other things, that remand rather than vacatur was the appropriate remedy. *Id.* at 2. On September 26, 2024, following a hearing, Judge Hayes issued an Order granting in part Blue Sky's Rule 59(e) motion for reconsideration and determining that remand, rather than vacatur, was the appropriate remedy. Order, *S.C. Native Plant Society v T. Tree Farms RV Park*, Case No. 2023-CP-42-01367 (filed Sept. 26, 2024) (Exhibit 3).

Blue Sky argues, based on an administrative section of the court's Form 4 Order titled "Order Information," that Judge Hayes' September 26, 2024 Order is not final. Mot. to Dismiss at 2. Blue Sky points to a marked box indicating the Order "does not end the case" and a sentence noting there is a formal order to follow and to "[s]ee page 2 for additional information." *Id.* But this administrative section is not consistent with the actual Order of the court, included above, which indicates there is ***not*** a formal order to follow. The court's Order was of course a final order because it remanded the case to the Commission and there was nothing left for the court to do. The court's actual Order, rather than the administrative section of the Form 4, controls here.

Further highlighting that the administrative section upon which Blue Sky relies was incorrectly filled out, that section states "[s]ee page 2 for additional information," yet page 2 is blank. *See* Exhibit 3. Indeed, under "Disposition Type," Judge Hayes made clear that the Form 4 Order reflected a "Decision By The Court" and ***did not*** check the box indicating additional information would be included on the second page. *See* Exhibit 3 at 1.

Blue Sky cites *Cheap-O's Truck Stop, Inc. v. Cloyd* to support its argument, but this case supports Appellants' position. In *Cheap-O's* the court explained that "[a]s a matter of practice and convenience, a Form 4 order is used on a plethora of occasions as a ***FINAL ORDER***." 350 S.C. 596, 604 (2002). Such is the case here. The court went on to explain that if the Form 4 is not a final order, "the circuit court will specifically and with certitude signify" that a more formal order or action will follow. *Id.* at 605. Here, contrary to Blue Sky's claim, Judge Hayes' Form 4 order does not indicate with certitude (i.e. absolute certainty) that a formal order is to follow. Rather, the relevant section of Judge Hayes' Form 4 Order—that is, the Order itself—establishes

that a formal order ***will not*** follow. Thus, Judge Hayes' September 28, 2024 Form 4 Order is final and appealable.

Moreover, even if Blue Sky were correct that a formal order is to follow Judge Hayes' Form 4 Order, this would not bar Appellants' appeal. Rule 203 of the South Carolina Appellate Court Rules governs appeals. Rule 203 states that "when a form or other short order or judgment indicates that a more full and complete order or judgement is to follow, a party ***need not*** appeal until receipt of . . . the more complete order or judgment." S.C.A.C.R. Rule 203 (emphasis added). Rule 203 does not say a party *shall not* or *must not* appeal until receipt of the more complete order, only that a party *need not* appeal until that time. Thus, Rule 203 makes clear that even where a more formal order is to follow, it is within the appellant's discretion whether to appeal the Form 4 Order or await the formal order. *Cf Richland Cty.v. S.C. Dep't of Rev.*, 422 S.C. 292, 309 (2018) ("Under the rules of statutory interpretation, use of words such as '*shall'* or 'must' indicates the legislature's intent to enact a mandatory requirement.") (quoting *Collins v. Doe*, 352 S.C. 462, 470 (2002).

For these reasons, Appellants' appeal is timely and the Court should deny Blue Sky's motion to dismiss.

Respectfully submitted,

s/ Frank S. Holleman III
Frank S. Holleman III, Bar No. 2564
holl2759@bellsouth.net
Emily Wyche, Bar No. 105551
ewyche@selcsc.org
525 East Bay Street, Suite 200
Charleston, South Carolina 29403
Telephone: (843) 720-5270

Attorneys for South Carolina Native Plant Society

s/ Carl F. Muller
Carl F. Muller, Bar No. 4131
carl@carlmullerlaw.com
Carl F. Muller, Attorney at Law, P.A.
607 Pendleton Street, Suite 201
Greenville, South Carolina 29601
Telephone: (864)991-8904

Attorney for The Enclave at Fairview Farm Homeowners' Association, Inc., Golden Hills of Fairview Homeowner's Association, Inc., Greenspace of Fairview, LLC, North Pacolet Association, Inc., Debra A. Whitaker, Charles D. Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judie R. Klapholz, Trustee of The Judie R. Klapholz Trust, and Slater Properties, Inc., d/b/a Caroland Farms

December 2, 2024

EXHIBIT 1

ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG) FOR THE SEVENTH CIRCUIT
)
South Carolina Native Plant Society,) Case No. 2023-CP-42-01221
)
Appellant,)
)
vs.) **Opinion and Order**
)
The Spartanburg County Planning)
Commission and Blue Sky Associates,)
LLC d/b/a T. Tree Farms RV Park,)
)
Respondents.)
)

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG) FOR THE SEVENTH CIRCUIT
)
South Carolina Native Plant Society,) Case No. 2023-CP-42-01367
)
Appellant,)
)
vs.) **Opinion and Order**
)
The Spartanburg County Planning)
Commission and Blue Sky Associates,)
LLC d/b/a T. Tree Farms RV Park,)
)
Respondents.)
)

ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG The Enclave at Fairview Farm Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01226 **Opinion and Order**

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG The Enclave at Fairview Farm Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01545 **Opinion and Order**

The consolidated appeals before the Court seek reversal and vacatur of the Spartanburg County Planning Commission's conditional approval of the T. Tree Farms RV Park in Campobello, South Carolina. The parties to the appeal are Appellants South Carolina Native Plant Society (the "Society" or "Native Plant Society"), the Enclave at Fairview Farm Homeowners' Association, Inc., Golden Hills of Fairview Homeowner's Association, Inc.,

ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Greenspace of Fairview, LLC, North Pacolet Association, Inc., Debra A. Whitaker, Chales D. Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judie R. Klapholz Trust, and Slater Properties, Inc. (collectively, "HOAs and landowners"), as well as Respondents Spartanburg County Planning Commission (the "Commission") and Blue Sky Associates, LLC ("Blue Sky"). For the following reasons, the Court grants the appeals in part and denies the appeals in part.

FACTUAL BACKGROUND

In February 2023, Blue Sky applied to the Commission for approval of its site plan for the T. Tree Farms RV Park (the "RV park"). Blue Sky, Application at 2 (Feb. 7, 2023) (App. A to Native Plant Society Opening Br. ("App. A") at 5) (amended application). This application replaced an earlier one submitted in 2021 which was abandoned because Blue Sky was unable to obtain public water as required in the 2021 application. Blue Sky, Major Land Development Application (Jan. 29, 2021) (App. A at 1) (original application). Particularly relevant to the appeals before the Court, Blue Sky's 2023 site plan for the RV Park provided that the RV Park would be serviced by a well rather than a public water service provider and did not include any comfort station. Application at 2 (Feb. 7, 2023) (App. A at 5) (amended application); *see also* Blue Sky, Major Land Development Application (Jan. 29, 2021) (App. A at 1) (original application). Blue Sky's earlier 2021 application had provided for water from a public water system, but Blue Sky was unable to obtain public water service for the RV park site.

The Commission considered Blue Sky's application at its March 7, 2023, meeting. Commission Agenda at 3 (Mar. 7, 2023) (App. A at 186). The Commission voted 6-2 to approve Blue Sky's site plan, with standard conditions that Blue Sky obtain approvals from Spartanburg County Public Works for engineering, stormwater, and encroachment, and from DHEC for well construction. *Id.* at 30 (App. A at 178).

ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

On March 31, 2023, Appellants asked the Commission to reconsider its decision. Southern Environmental Law Center, Reconsideration of Conditional Approval for the Site Plan of T. Tree Farm RV Park of Blue Sky, LLC (Mar. 31, 2023) (App. A at 187–93); Concerned Citizens, Cover Letter to Request for Reconsideration of Conditional Approval (Mar. 28, 2023) (App. A at 229). At its next meeting on April 4, 2023, the Commission decided not to reconsider its conditional approval of the RV park site plan. *See* Commission Meeting Minutes (Apr. 4, 2023) (App. A at 212–20).

Appellant Native Plant Society and Appellants HOAs and landowners each timely filed two appeals challenging the Commission's conditional approval of the RV park site plan and the Commission's decision not to reconsider that conditional approval. These four appeals were subsequently consolidated and are now before the Court.

LEGAL BACKGROUND

The ordinance governing the Commission's review of Blue Sky's site plan is the Spartanburg County Unified Land Management Ordinance (the "Ordinance"), which includes a preamble setting forth the purposes of the Ordinance and a section dedicated to "Camps and Recreational Vehicle Parks." *See* Ordinance Preamble, Ordinance § 3.13. The Preamble establishes that one goal of the Ordinance is to protect "ecologically sensitive areas." App. A at 35. With respect to RV parks, Section 3.13 of Ordinance requires, among other things, that all RV parks "preserve natural features and landscape"; that RV parks be "serviced by public water"; that RV parks be serviced by "sewer or other systems approved by DHEC"; and that no RV park site "be located less than 150 feet from drinking water supply or 300 feet from a comfort station." Ordinance § 3.13 (2), (4), and (8) (App. A at 49). The Ordinance further details certain procedural measures. The Ordinance also sets forth requirements for granting a variance from

any of the requirements of the Ordinance. *See* Ordinance §§ 1.02–04, 5.01–02 (App. A at 36-37, 43-44). In addition to the Ordinance, the South Carolina Local Government Comprehensive Planning Enabling Act, S.C. Code § 6-29-310, *et seq.*, sets forth certain elements for local comprehensive planning.

JURISDICTION AND STANDARD OF REVIEW

This Court has jurisdiction pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act. S.C. Code Ann. § 6-29-1150(D)(1).

Decisions of a county planning commission are reviewed in the Circuit Court. S.C. Code § 6-29-1150; *Town of Hollywood v. Floyd*, 403 S.C. 466 (2013); *Kurschner v. City of Camden*, 376 S.C. 165 (2008), *Rest Row Assocs. v. Horry County*, 335 S.C. 209 (1999); *Welch v. Epstein*, 342 S.C. 279 (Ct. App. 2000). A decision of a county planning commission will be overturned on appeal when "it is based on errors of law," where the commission "acts arbitrarily or unreasonably," where the commission "has abused its discretion," or when "there is no evidence to support" the Commission's decision. *Grays Hill Baptist Church v. Beaufort County*, 431 S.C. 630, 637 (2020); *Kurschner*, 376 S.C. at 173–174.

ANALYSIS

Appellant South Carolina Native Plant Society and Appellants HOAs and landowners each argue that the Commission's conditional approval of the RV Park violated the Ordinance Preamble and Section 3.13 of the Ordinance. Specifically, they argue that the Commission wrongly approved a site plan that failed to protect ecologically sensitive areas and to preserve the natural features and landscapes of the site; that was not serviced by public water; that was not serviced by a sewer system approved by DHEC; and that lacked any comfort station. Appellants

ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

further argue that the Commission's decision not to reconsider its conditional approval and its failure to provide any explanation for parts of its decisions were arbitrary and capricious.

Appellants HOAs and landowners also argue that the Commission's March 2023 meeting and approval violated certain procedural requirements, that the Commission based its conditional approval on the wrong site plan, that the Ordinance fails to fulfill the South Carolina Local Government Comprehensive Planning Enabling Act, and that the roads proposed to be used to access the RV Park were not dedicated by the relevant landowners.

The appeals are granted as to the issues involving public water and comfort stations and denied as to all other issues.

I. Whether the Commission violated the Ordinance Preamble and Section 3.13

The Court finds that the Commission's conditional approval of the RV Park violated Section 3.13(8) of the Ordinance requiring public water and Section 3.13(4) requiring comfort stations but that the Commission's decision did not violate the Ordinance Preamble, Section 3.13(2) requiring the preservation of "natural features and landscape," or the part of Section 3.13(8) requiring "sewer or other systems approved by DHEC."

Public Water. The Ordinance provides that "[e]ach park site shall be serviced by public water," Ordinance § 3.13 (8). The Ordinance provides that "[t]he word 'shall' is always mandatory." Ordinance Article 6 (App. A at 92). Blue Sky's 2021 application was based on the RV park being serviced by a public water system, but when Blue Sky was unable to obtain public water, it submitted the 2023 application with the RV park being serviced by a well. The Commission approved the 2023 application with the RV park being serviced by a well.

In this respect, the Commission committed an error of law, acted arbitrarily and capriciously, and made a decision with no evidence to support it. The Ordinance by its plain

ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

language mandates that RV parks be serviced by public water. But the approved 2023 RV Park site plan fails to provide for public water and instead relies upon a well.

Blue Sky and the Commission argue that the definition of "public water" as used in the Spartanburg County Ordinance should be governed by the definition of "Public Water System" contained in a regulation of the state Department of Health and Environmental Control ("DHEC"), S.C. Code Ann. Regs. 61-58 (B) (150). Respondents' Br. at 7. The DHEC regulation defines a Public Water System as "any public or privately owned waterworks system which provides drinking water, whether bottled or piped, for human consumption, including the source of supply whether the source of supply is of surface or subsurface origin."

However, the requirements for RV parks in the County's Ordinance does not reference or mention the DHEC regulation or its definition of "Public Water Systems," and the Ordinance uses a different term, "public water." "In interpreting a statute, words must be given their plain and ordinary meaning. . . ." *Rowe v. Hyatt,* 321 S.C. 366, 369 (1996).

Moreover, the County Ordinance and the DHEC regulation serve different purposes. The Ordinance sets out mandatory standards to prescribe how RV parks are built, whereas the DHEC state regulation is written broadly to encompass all conceivable drinking water sources to ensure water quality. See S.C. Code Ann. Regs 61-58 (A) ("The Department finds the standards and procedures prescribed are necessary to maintain reasonable standards of purity of the drinking water of the State consistent with the public health, safety, and welfare of its citizens"). By requiring public water, the Ordinance ensures an adequate reliable supply for an RV park. In addition, the DHEC regulation includes bottled water within its definition of Public Water Systems, and there is no indication that the County's Ordinance would contemplate an RV park serviced through bottled water.

ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

The Commission's application form shows that, unlike the state DHEC water quality regulation, the county Ordinance regulates the source of water for various developments. The form asks the applicant to designate "water or well." When "water" is designated, the applicant must identify the provider. Blue Sky, Application at 2 (Feb. 7, 2023) (App. A at 5). The County is thus concerned about the source—water or well. Section 3.13 specifies that for RV parks, public water must be the water source.

Further, the Ordinance imposes the "public water" requirement in other places for multi-unit developments like an RV park. The Ordinance requires "public water" for the operation of manufactured home parks, mandating that "[a]ll proposed Manufactured Home Parks shall be served by public water. . . ." Ordinance § 3.04-4 (2) (App. F to Native Plant Society Reply Br. ("App. F") at 10). The Ordinance similarly requires "public water" for patio and zero lot line homes. Ordinance § 3.01 (5) (App. F at 7). If the Ordinance were read to substitute the state DHEC regulation definition of "Public Water Systems" for the ordinary meaning of "public water," throughout the County Ordinance protective requirements for "public water" would be eliminated and various types of multi-unit developments could now be serviced by bottled water or private wells when the Ordinance mandates "public water"—with corresponding risk to public health and safety and loosening of development standards.

By approving an RV park not serviced by public water, the Commission violated the Ordinance and the ordinary and natural plain meaning of its "public water" requirement.

Comfort Stations. As with public water, the Ordinance contains an unqualified mandate that RV parks provide for comfort stations. The Ordinance provides that no RV park site "shall be located less than 150 feet from drinking water supply or 300 feet from a comfort station,"

ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Ordinance § 3.13 (4). App. A at 49. The approved 2023 site plan for the RV park does not include a comfort station.

Respondents Blue Sky and the Commission argue that because each RV site will have individual hookups for water and sewage, this requirement is excused. Respondents' Br. at 8–9. The Court disagrees. There is nothing in the Ordinance that allows RV Parks to ignore the mandatory comfort station requirement because RVs often have sewer and water hookups. Indeed, it is always the case that RVs may have these hookups, yet the Ordinance requires RV parks to have one or more comfort stations regardless. Moreover, all parties agree that the Commission did not issue a variance to excuse compliance with any of the Ordinance's provisions. *See* Respondents' Br. at 10; Appellants HOAs and landowners' Opening Br. at 7–8; Appellant Native Plant Society's Opening Br. at 24–25. Blue Sky, Application at 2 (Feb. 7, 2023) (App. A at 5); Commission Meeting Minutes at 18–19 (Mar. 7, 2023) (App. A at 166–67). The plain language of the Ordinance governs.

When it conditionally approved an RV park site plan with no comfort station, the Commission violated the plain language of the Ordinance, committed an error of law, acted arbitrarily and capriciously, and made a decision with no evidence to support it.

Sewer or other system approved by DHEC. In Section 3.13(8), the Ordinance requires that RV park sites shall be serviced by "sewer or other systems approved by DHEC." App. A at 49. The RV park site is not serviced by sewer, and the application for the RV park provided for a septic system instead. Appellants contend that the Commission approved a plan for the RV park that included a septic system that had been rejected and not approved by DHEC. Appellant Native Plant Society's Opening Br. at 4–6; Appellants HOAs and landowners' Opening Br. at 4. Specifically, Appellants point to the fact that the DHEC Board, which is the highest authority of

ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

DHEC, overturned the DHEC staff's decision granting a permit for the RV park's septic system. The DHEC Board concluded that the septic system did not meet the minimum requirements of South Carolina law and had less than half the treatment capacity required by state regulation. App. A at 123-125; *see also* S.C. Code Reg. 61.56-501.

Appellants acknowledge that the DHEC Board's decision was subsequently overturned by the Administrative Law Court, but they contend that the Administrative Law Court's decision, which has been appealed, does not render the RV park's septic system "approved by DHEC." Appellants point out that the Administrative Law Court's decision, App. A at 127-147, was based on a procedural error in that the Administrative Law Court found that the request for Board review was filed too late, rather than a determination that the proposed septic system met the substantive requirements of South Carolina law. Appellant Native Plant Society's Opening Br. at 6. Appellants argue that the proposed RV park septic system is still not "approved by DHEC" since the Administrative Law Court's decision did not question or overrule the substance of the DHEC's Board's decision.

The Court concludes that the Commission's decision satisfies the Ordinance's requirement that the RV park be serviced by sewer or other system approved by DHEC. It is reasonable to assume that the Commission was well aware of the substantive issues being argued to DHEC. Thus, under an appellate review analysis, the Court cannot find a sufficient basis for reversing, even if it disagrees with the Commission, on the sole bases that the DHEC decision was or is being challenged, even if the challenge is classified as only technical rather than substantive. The Court notes that DHEC permit for this septic system is the base minimum for the RV Park. The arguments and information offered by Appellants are not being determined irrelevant and immaterial by this Court. The Commission may consider that information upon its

consideration of the RV park in the future. Simply because a site may have received approval from DHEC does not conclude the analysis that the Commission may conduct when it conditionally approves a development site.

Ecologically Sensitive Areas and Natural Features. The Preamble to the Ordinance sets out a goal to protect "ecologically sensitive areas," and Section 3.13(2) of the Ordinance provides that RV park sites "shall be developed in a manner that preserves natural features and landscape." App. A at 35, 49.

Appellants argue that the RV park site plan violates these provisions of the Ordinance because it fails to preserve or acknowledge the presence of a plant protected as threatened by the federal Endangered Species Act, *Hexastylic naniflora* (Dwarf-flower Heartleaf), and its habitat on the RV park site. Appellant Native Plant Society's Opening Br. at 3; Appellants HOAs and landowners' Opening Br. at 4. Appellants explain that this plant is one of the nation's rarest plants, is also designated a Highest Priority Species by the South Carolina Department of Natural Resources, and is found in South Carolina only in limited areas within three counties, including on the RV park site. *Id.* *See also* App. A at 48-83; Apps. B-E to Native Plant Society Opening Br.; S.C. Dep't of Nat. Res., South Carolina's State Wildlife Action Plan (SWAP) at 2–9 (Oct. 14, 2014)

The Court concludes that the standard of review does not support the conclusion that the Commission acted unlawfully or abused its discretion in granting conditional approval on this basis. Notwithstanding, this Court acknowledges the broad goals of protecting ecologically sensitive areas as discussed by Appellants. As with Appellants' substantive arguments related to the proposed septic system, the Court notes that the information presented by Appellants

ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

regarding rare plants and habitat on the RV park site may prove to be material to the Commission when determining future specific site plans.

Accordingly, Appellants' appeal is granted as to the issues of public water and comfort stations and denied as to the issues of septic system approved by DHEC and preservation of natural features, landscapes, and ecologically sensitive areas.

II. Whether the Commission's decision not to reconsider its conditional approval and failure to provide reasons for decision were arbitrary and capricious

Appellants contend that because the Commission is charged with carrying out the Ordinance and complying with its terms and was informed by Appellants of multiple violations of the Ordinance, its decision not to reconsider the conditional approval was arbitrary and capricious and an abuse of discretion. Appellants also contend that the Commission acted unlawfully and arbitrarily and capriciously and abused its discretion when it failed to address the request for reconsideration and provided no explanation for its decision not to reconsider and when it failed to address some of the provisions of the Ordinance and provide the bases for its decision as to those provisions when it conditionally approved the RV park site plan. Appellant Native Plant Society's Opening Br. at 22–24. The Court concludes that the record does not support the conclusion that the Commission acted unlawfully, arbitrarily, or capriciously or abused its discretion in these respects. Accordingly, Appellants' appeal is denied on these grounds.

III. Whether the Commission's March 2023 meeting and conditional approval violated the Ordinance's procedural requirements

The Court finds that the Commission's March 2023 meeting and conditional approval complied with procedural requirements. Appellants HOA and landowners first argue that the Commission's March 2023 meeting violated the Ordinance because it "locked out many members of the public" from a meeting that was required to be open to the public. Appellants

HOA and landowners' Opening Br. at 5. Appellants HOA and landowners further argue that the Commission did not allow members of the public to speak for a mandated 30 minutes and the Commission failed to provide notice of a public hearing. *Id.* Respondents argue that there was sufficient due process provided at the March 2023 meeting, noting that the Commission afforded a representative for the HOAs an opportunity to speak and allowed the public to submit written comments. Respondents' Br. at 12. The Court concludes that the record does not support the conclusion that open meetings requirements or due process rights were violated or abused by the Commission. Accordingly, Appellants HOAs and landowners' appeal is denied on this basis.

IV. Whether the Ordinance fulfills the requirements of the South Carolina Local Government Comprehensive Planning Enabling Act

The South Carolina Local Government Comprehensive Planning Enabling Act, S.C. Code § 6-29-310, *et seq.*, sets forth certain elements that must be considered in local comprehensive plans, such as "fire protection" and "transportation." *Id.* § 2-29-510. Appellants HOA and landowners contend that the Ordinance fails to fulfill these requirements of the Enabling Act and that the Enabling Act has independent force. Appellants HOA and landowners Opening Br. at 8–9 and Reply Br. At 10-11. Regardless of whether the Ordinance properly reflects these elements, the Court need not consider this argument because it has reversed the Commission's decision on other grounds. The Respondents' assertion that the Appellants HOA and landowners challenged the validity of the Ordinance based upon the Enabling Act goes beyond these Appellants' argument; and it is likewise not necessary for the Court to consider this assertion otherwise. Appellants HOA and landowners Reply Br. at 10-11.



ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2024 Apr 22 10:25 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

V. Whether the roads used to access the RV Park were dedicated by the relevant landowners

Appellants HOA and landowners contend that the roads that would be used for the RV Park are private, not public, roads and that the individuals who own the roads have not dedicated the roads to use by RVs. Appellants HOA and landowners Opening Br. at 11–12. The decision of the Commission did not involve a taking or dedication of the roads and that issue is not before the Court. The appeal concerning them is without merit.

VI. Whether the Commission considered the wrong site plan

This matter was not raised to the Commission before it made its decision. Therefore, it falls under this Court's decision concerning the Commission's refusal to reconsider, and therefore the record does not support the conclusion that the Commission acted unlawfully, arbitrarily, or capriciously or abused its discretion in these respects. Accordingly, Appellants' appeal is denied on this ground.

CONCLUSION

For these reasons, the Court grants Appellants' appeal in part and reverses and vacates the Commission's conditional approval of the T. Tree Farms RV Park site plan dated March 7, 2023.

IT IS SO ORDERED.

The Honorable J. Mark Hayes, II
Circuit Judge

April 22 2024

EXHIBIT 2

ELECTRONICALLY FILED - 2024 May 01 12:55 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF SPARTANBURG)	C/A NO.: 2023-CP-42-01221
	C/A NO.: 2023-CP-42-01367
South Carolina Native Plant Society,)	
)	
Appellant,)	
)	**MOTION TO ALTER OR AMEND**
vs.)	
)	
The Spartanburg County Planning)	
Commission and Blue Sky Associates, LLC)	
d/b/a T. Tree Farms RV Park,)	
)	
Respondents.)	
)	

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF SPARTANBURG)	C/A NO.: 2023-CP-42-01226
	C/A NO.: 2023-CP-42-01545
The Enclave at Fairview Farm)	
Homeowners' Association, Inc., Golden)	
Hills of Fairview Homeowner's Association,)	
Inc., Greenspace of Fairview, LLC, North)	
Pacolet Association, Inc., Debra A. Whitaker,)	
Charles D. Whitaker, Roxanne M. Hellman-)	
Wojan, Richard G. Wojan, Judie R. Klapholz,)	
Trustee of the Judie R. Klapholz Trust, and)	
Slater Properties, Inc., d/b/a Caroland Farms,)	
)	
Appellants,)	
)	
vs.)	
)	
Spartanburg County, SC, Spartanburg County)	
Planning Commission, and Blue Sky)	
Associates, LLC d/b/a T. Tree Farms RV Park,)	
)	
Respondents.)	
)	

TO: THE HONORABLE J. MARK HAYES, II AND ALL COUNSEL OF RECORD:

ELECTRONICALLY FILED - 2024 May 01 12:55 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

YOU WILL PLEASE TAKE NOTICE THAT Respondents, Spartanburg County, SC, Spartanburg County Planning Commission, and Blue Sky Associates LLC, by and through their undersigned counsel, will appear before the Honorable J. Mark Hayes, II, at the Spartanburg County Courthouse on the tenth day following service hereof, or at such other place and time as may be designated by the Court, and then and there request the Court alter or amend its April 22, 2024, Opinion and Order in the within matter. This motion is made pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure and upon the following considerations:

a. In executing Appellants' proposed order, the remedy of vacatur was improper and requires clarification as the Court denied Appellants' appeal in part and granted it in part. Respondents will demonstrate that the appropriate remedy would be a remand back to Spartanburg County Planning Commission for consideration of any amended application that might be filed.

b. In executing Appellants' proposed order, the Court granted relief on Appellants' allegation that the Planning Commission erred in its interpretation of section 3.13 of the Spartanburg County ULMO with regard to the "public water" issue. However, the Court's Form 4 order only references the following:

> Thus, the assertion that each of the RVs site may be unique because it is anticipated each will have individual hook ups for water and sewage so that the comfort station requirement is excused is not before this Court as a consideration. Also not before this Court are the concerns of RVs without bathroom, broken bathrooms, visitors to the park who do not have RVs or whether none compliance is for the overall safety and wellbeing of the park's user and its surrounding community.

(Court's March 8, 2024 Form 4 at 3)

These alleged problems only relate to the "comfort station" issue in section 3.13 of the ULMO, and do not support any finding of error on the question of the water source, or

ELECTRONICALLY FILED - 2024 May 01 12:55 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

the Commission's construction of the phrase "public water" in its ordinance. Respondents maintain that Appellants have taken advantage of an ambiguity in the Court's Form 4 Order which only states:

> After reviewing all the written and oral arguments, the commission's conditional approval of the RV park development, the appeals are not granted except as to the issues involving the water and comfort stations/sewage system.
>
> Section 3.13 of the ULMO governs this Court's decision to reverse the Commission on this issue. 3.13 is mandatory since the terms "shall comply" is used when setting forth the site and design standards. The mandated standard incudes that "No site shall be located less than 150 feet from drinking water supply or 300 feet from a comfort station" and "Each park site shall be serviced by public water and sewer or other systems approved by DHEC."
>
> (Court's March 8, 2024 Form 4 at 3)

These paragraphs mention "water," "comfort stations" and "sewage system" but the issue or issues with which the Court found fault require clarification. When the two passages are read together in context, the only clear ground upon which the Court granted Appellants relief was the "comfort station" issue.

Finally, in communications between the Court and counsel on the content of the Order and Opinion, the Court explicitly invited the parties to resolve these ambiguities in the appropriate post-trial motions which the Court would promptly hear. Respondents are simply following the direction of the Court in this regard.

Signatures Appear on Following Page

May 1, 2024

s/ Alexander Shissias

Alexander G. Shissias, SC Bar #11610
Alex@shissiaslawfirm.com
THE SHISSIAS LAW FIRM, LLC
1727 Hampton Street
Columbia, South Carolina 29201
803.540-3090

Attorney for Respondent
Blue Sky Associates, LLC

HOLCOMBE BOMAR, P.A.
s/ A. Todd Darwin
A. Todd Darwin
SC Bar No.: 7032
Post Office Box 1897
Spartanburg, SC 29304
(864) 594-5300 Phone
(864) 585-3844 Fax
tdarwin@holcombebomar.com

Attorney for Respondent Spartanburg County Planning Commission

ELECTRONICALLY FILED - 2024 May 01 12:55 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

EXHIBIT 3

ELECTRONICALLY FILED - 2024 Sep 26 3:16 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201367

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP4201367

South Carolina Native Plant Society	**Blue Sky Associates, LLC**
The Enclave at Fairview Farm Homeowner's Association, Inc., et al	**Spartanburg County Zoning Commission, et al**
PLAINTIFF(S)	DEFENDANT(S)

Submitted by:	**Attorney for :** ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

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. ☐ See Page 2 for additional information.

☐ **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

☐ **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:

These consolidated appeals came before this court on Sptbg County's, Sptbg County Planning Commission's, and Blue Sky's Motion for Reconsideration of an Order electronically issued on April 22, 2024. After receiving briefing and arguments from all parties, the motion is granted to the extent that the court needs to clarify the term "vacate". The term vacates means that the matter is remanded to the commission. This court declined the invitation to give further direction to the commission.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk : **See page 2 for additional information. Formal Order to follow.**

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		$
		$

		$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

	2132	
Circuit Court Judge	**Judge Code**	**Date**

For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)	**ATTORNEY(S) FOR THE DEFENDANT(S)**
	CLERK OF COURT

Court Reporter:

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

ELECTRONICALLY FILED - 2024 Sep 26 3:16 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201367

ELECTRONICALLY FILED - 2024 Sep 26 3:16 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201367

Spartanburg Common Pleas

Case Caption: South Carolina Native Plant Society VS Spartanburg County Planning Commission , defendant, et al

Case Number: 2023CP4201367

Type: Order/Form 4

IT IS SO ORDERED

s/ J. Mark Hayes, II #2132

RECEIVED
Dec 02 2024
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Consolidate Case Nos. 2023-CP-42-01221, 2023-CP-42-01226, 2023-CP-42-01367, 2023-CP-42-01545
Appellate Case No. 2024-001828

South Carolina Native Plant Society, Appellant,

vs.

Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents,

and

The Enclave at Fairview Farm Homeowners' Associations, Inc., Golden Hills of Fairview Homeowners' Association, Inc., Greenspace of Fairview, LLC, North Pacolet Association, Inc., Debra A. Whitaker, Charles D. Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judie R. Klapholz, Trustee of The Judie R. Klapholz Trust, and Slater Properties, Inc., d/b/a/ Caroland Farms, Appellants

vs.

Spartanburg County, SC, Spartanburg County Planning Commission, and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents,

---

CERTIFICATE OF SERVICE

I, Emily Wyche, certify that on December 2, 2024, I served the foregoing Joint Response of Appellants to Motion to Dismiss Appeals upon all counsel of record, via electronic means, to counsels' email addresses on file with the South Carolina Attorney Information System.

/s Emily Wyche
Emily Wyche, Bar No. 105551
ewyche@selcsc.org

525 East Bat Street, Suite 200
Charleston, South Carolina 29403
Telephone: (843) 720-5270

STATE OF SOUTH CAROLINA) SOUTH CAROLINA CIRCUIT COURT 7
County OF SPARTANBURG) DOCKET NO. 2023-CP-42-01221

SC NATIVE PLANT SOCIETY APPL; THE ENCLAVE AT FAIRVIEW APPL, Plaintiffs,	)
versus	)
SPARTANBURG Planning Commission & BLUE SKY AND SPARTANBURG County, Defendants.	)

H E A R I N G
BEFORE THE HONORABLE MARK HAYES

DATE: September 24, 2024
LOCATION: South Carolina Circuit Court 7

TRANSCRIBED BY: Jackson Alexander

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

APPEARANCES:

CARL MULLER, ESQUIRE
Carl F. Muller, Attorney at Law
PO Box 1717
Greenville, South Carolina 29602

FRANK HOLLEMAN, ESQUIRE
Southern Environmental Law Center
525 East Bay Street, Suite 200
Charleston, South Carolina 29403
Attorneys for the Plaintiffs,

ALEXANDER SHISSIAS, ESQUIRE
The Shissias Law Firm, LLC
1727 Hampton Street
Columbia, South Carolina 29201

TODD DARWIN, ESQUIRE
Holcombe Bomar, PA
PO Box 1897
Spartanburg, South Carolina 29304
Attorneys for the Defendants.

parts of the plan that was presented to me, that's not, I mean, that cannot be used by the developer or the County to move the process along?

MR. DARWIN: Your honor, this is again, Todd Darwin for the County. From everything I've seen from doing this Planning Commission work not necessarily for Spartanburg County, but I'm doing a -- a good bit for Anderson County. It - it -- it's kind of up in the air on what this Court actually has the ability to do as the appellate court. Can you actually remand it back?

Can you remand it back with instructions just on the - the -- the two issues that this Court took exception with from the preliminary approval? Quite frankly, I -- I'm -- I'm not sure what the status of the law is. The -- the Commission would be fine with that, Your Honor, because there are only, as you said, everyone's been involved with this for a long time and a lot of work getting -- got in put was put into where we are now.

And the -- the Court only found two issues with what the Planning Commission had done. I don't see why this Court can't send it back with instructions to, for the Planning Commission to consider the -- the comfort station and the water supply system.

And Your Honor, it's a public forum. Anyone who wants to come in and speak can speak on that, just on those --

those limited and we don't open up the entire Pandora's box again on this development, Your Honor. So I -- I don't know why this Court cannot do that.

THE COURT: Okay. Well, thank you for that. But if I recall correctly, the -- the party opposing you has already raised issues about the process before we got here. If I remember that correctly. I guess the reason I asked the question is I am struggling with this vacate versus remand.

When I think remand, unless it goes to a higher Court, was going to be an automatic thing to do. It was going to have to go to the Planning Commission because you -- I -- I am unqualified to make substantive decisions to -- to approve this plan in a way that addresses the -- the -- the procedural and substantive requirements of the code unless lawyers come to me and -- and detail those issues.

And I think that I give great deference to what the Commission job is to do and what they're placed on this earth to do. And I want to defer to them about how to do things. I -- the way I read the broad code South -- South Carolina Code, and I believe the County code, there is a preference for wanting these development issues to move in an -- in an expedited fashion. And so I -- I'll try to be mindful of that as well.

But I -- so I want to do my job and stay within my lane of where my lane is. I want it to be handled by the

Commission to do whatever the Commission does in the way the Commission feels they need to do it. And if the Commission feels that receiving advice from lawyers and advocates that go in front of it, that this process, the Commission needs to do is, is open it back up, then the Commission needs to do whatever the Commission needs to do.

It is the Commission's decision that, well, no, we feel like the rules that apply to us and that pertains to due process and public hearings says we only have to do it narrowly. Let the Commission decide that. Not to have me say at this juncture and tell this body, because it sounds like you all asking me to predetermine a process that's going to be applied by the Commission. But I don't know what I'm sort of guessing what they're going to do. You know, I don't know what the Commission wants to do.

If the Commission wants to open the whole thing up, that's really for you all to argue to the Commission. Or if the Commission wants to say no, we're going to look at it really narrowly and took it to take one issue that's left up to the Commission to do.

I don't see where me -- I don't see -- I can -- I don't see where I can do anything at this level that denies a citizen or someone opposing the development to say, you can't come in the room and I can't say I open the door for you to come in the room. I just don't see that. I just see that

I've got a very -- I've got a defined role here, and that is to decide -- my opinion was that this was wrong and therefore send it back down. Whether that is sent back down as a remand or a vacate, you know, I -- I'm -- I'm sort of seeing it as a mere semantic. I know you all are much smarter than I am. You all have read these things you all run into these issues before.

Mr. Shissias deals with his administrative agency's stuff. And his reference be to some federal guidelines and his briefing. But I just don't see that -- that me saying that it is a remand or a vacate is going to solve or move this case along because it's got to go back down period.

MR. DARWIN: And -- and, Your Honor --

THE COURT: That's the long -- that's the long statement. Thank you for (inaudible.)

MR. DARWIN: I don't mean to interrupt the Court.

THE COURT: No, go ahead.

MR. DARWIN: And I know it's not binding on, on Your Honor, obviously, but Judge McIntosh recently, the Anderson case there were six --

THE COURT: I'm going to listen to Judge McIntosh.

MR. DARWIN: There were six -- there were six issues on appeal by the concerned citizens of a project or a development that was approved.

THE COURT: Right.

looking, if you disagree with that order and you don't want it to go back to the Commission, you have due process, gives you the ability to take it to an appellate court to say that I'm wrong because I am not reading that order. The way that you read it and the way that you're projecting to me that they're going to use that order. That might be something that you're trying to educate me as to what you fear for your client. But I cannot address all fears today.

I am asked to -- I have been asked to do a certain thing when it comes to review of what has been presented to me, the arguments that have presented to me, and I have made a decision as best that I can. As everybody knows in this room, I can make mistakes and thank God I have five people on the Supreme Court and nine on the -- on the Court of Appeals that can tell me otherwise. And they have told me many times that I made mistakes.

But I'm leaning towards keeping it as is with the understanding that this term vacate equals the term remand. And so that it goes back down to then let you all deal with these people who were put there on the Commission for the -- to use their common sense, their expertise, their training to actually take a look at whatever issue or issues are left to be decided. I think that's the -- I think that's the better way to do it. I think that's the most productive way and I think it's going to lead to more of an expeditious process.

MR. SHISSIAS: Your Honor, if -- if your final order only said that in two sentences that, you know, I -- I feel like I would've done my job today.

THE COURT: Well, I -- you raised the issue of remand versus vacate. I can put that in a very short order saying vacate equals remand and it should be so. And then you let you all deal with it as to whatever you all want to deal with. I'm not saying don't take me on appeal. You all could take me on appeal. I'm not saying not do that. I'm not -- that's just my view of this right now.

I mean, I spent hours and hours and hours going through great submissions, but it was -- it was tedious work by me to come to the decisions I made in this case. And at some point I got to just make a decision. Say I got to let it go. I've done the best I can. I did the best I could.

MR. MULLER: Your Honor, I think the order as written should stand and it accomplishes what you said. Yeah.

THE COURT: Okay. I'll -- I'll shut up. All right. Anything else you all want to put on the record?

MR. HOLLEMAN: Nothing else, your Honor.

MR. DARWIN: Your Honor, thank you.

THE COURT: No. Thank you, all.

MR. HOLLEMAN: Thank you.

THE COURT: Good luck.

(THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

SPARTANBURG COUNTY
Planning and Development Department

Planning and Development Commission
4:30 p.m.
County Council Chambers
March 07, 2023



Pursuant to the Freedom of Information Act, notice of this meeting date, time, place, and agenda is posted on the bulletin board at the entrance of the County Administration Building and sent to the *Spartanburg Herald Journal* and to concerned citizens who request it.



In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the Commission proceedings should contact the Planning Department (596-3570) not later than three days prior to the proceedings.

1. Call to Order

2. Approval of Minutes –

- February 07, 2023, Meeting

3. Public Hearing –

A. Jace Enterprises, LLC- 100 Strickland Drive, Roebuck, SC 29376
Tax Map Number: 6-30-00-006.04
Variance to reduce side setback.

B. Jace Enterprises, LLC- 100 Strickland Drive, Roebuck, SC 29376
Tax Map Number: 6-30-00-006.04
Variance to reduce rear setback.

C. PBB L.P.- Broken Chimney Road, Inman, SC 29349
Tax Map Number: 6-05-00-003.30
Variance to reduce road frontage on proposed Lot 1.

D. PBB L.P.- Broken Chimney Road, Inman, SC 29349
Tax Map Number: 6-05-00-003.30
Variance to reduce road frontage on proposed Lot 2.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

4. Old Business – None

5. New Business –

A. Variances

a. Jace Enterprises, LLC- 100 Strickland Drive, Roebuck, SC 29376
Tax Map Number: 6-30-00-006.04
Vote on variance to reduce side setback.

b. Jace Enterprises, LLC- 100 Strickland Drive, Roebuck, SC 29376
Tax Map Number: 6-30-00-006.04
Vote on variance to reduce rear setback.

c. PBB L.P.- Broken Chimney Road, Inman, SC 29349
Tax Map Number: 6-05-00-003.30
Vote on variance to reduce road frontage on proposed Lot 1.

d. PBB L.P.- Broken Chimney Road, Inman, SC 29349
Tax Map Number: 6-05-00-003.30
Vote on variance to reduce road frontage on proposed Lot 2.

6. Discussion Items

7. Unified Land Management Ordinance (No. O-99-015)

A. Subdivisions

1. Major (Preliminary Plats) – None

2. Major Final Plats (Read in Only) * –

a. Anderson Grant Phase 5 (With all roads to be classified as Residential Local Detached)- Council District 4
b. Anderson Grant Phase 6 (With all roads to be classified as Residential Local Detached) - Council District 4

3. Minor Summary Plats (Read in Only) * - None

4. Minor Private Road Developments (Read in Only) * - None

5. Minor Family Property (Read in Only) * - None

B. Land Development

1. Major (Preliminary Plats) –

a. Ransdell Pointe- Council District 1
b. Broomfield Townes- Council District 1

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

2. **Major Final Plats (Read in Only) * -**

   a. Berkeley Phase 2- Council District 3
   b. Westgate Village Townhomes- Council District 1

3. **Major Site Plan** –

   a. T. Tree Farms- Council District 2
   b. Strickland Drive Apartments- Council District 6
   c. Peachtree Village Phase 2- Council District 2
   d. Boiling Springs Multi-Family- Council District 2
   e. Opal Grove Park- Council District 6

4. **Minor Summary Plats (Read in Only) * -** None

5. **Major Summary Plats (Read in Only) *** - None

6. **Preliminary Extension Request** - None

8. Subdivision Regulations

A. Minor Subdivisions (Read in Only) *

a. Cooley Meadow- Council District 5
b. Deyoung Acres- Council District 5
c. Miller Time- Council District 5
d. Jonas Way- Council District 2

B. Final Plats (Read in Only) *

a. Pleasant Falls Phase 1- Council District 6

9. Proposed Amendments & Action Items

A. PZO Map Amendment for I-585/North Pine Street

10. Other Business

a. Monthly Subdivision and Land Use Report

11. Adjournment

*** These items have been previously approved and recorded in the land records and require no action by the Planning Commission other than being read into the minutes.**

Foster Engineering & Consulting, LLC
[redacted]
Columbia, SC 29204

January 13, 2022

Waverly Wilkes, P.E.
Gray Engineering
132 Pilgrim Road
Greenville, SC 29607

Re: T Tree Farms RV Park – Required Fire Flow – Landrum Mill Road, Spartanburg, SC

Dear Ms Wilkes:

We need the County Code official to provide us with two decisions to progress the fire protection part of the project.

1. We need the County Fire Code Official to tell us what the required fire flow if for this site per South Carolina Fire Code (SCFC) section 507.1.

2. We need the County Fire Code Official to tell us if they will use the arriving fire truck to pressurize the hydrant system for the site or if we have to pressurize the hydrant system.

Below is an explanation of how I arrived at a suggested fire flow for the project.

These are the assumptions I made developing the required fire flow.

- The largest RV is around 428 SF (9.5 ft wide x 45 ft long)
- Assume a maximum of 3 RVs are involved in a fire (one directly and two from exposure fire)
- Three RVs would equal approximately 1284 SF involved in the fire
- The heat release rate and fuel load of three RVs would approximate an R-3 occupancy.
- The RV fuel would not be involved in the fire until the fuel tank is compromised.

Proceeding with the above assumptions, we would be equating the fire to an R-3 occupancy of less than 3,000 ft^2 Even though Appendix B of the SCFC is not adopted, it does offer a methodology for calculating Required Fire Flows. Looking at Table B105.1(1) we would need 1,000 gpm of flow for 1 hour. This creates a 60,000-gallon requirement. For this project we would need a reservoir or a tank with 60,000 gallons of an available water for firefighting.

Pressurizing the hydrant system may be done one of two ways. The first would be to use the fire arriving fire apparatus to draft from the water source and pump into the hydrant system for the site. The second method would be to use a fire pump to pressurize the hydrant system.

Using the fire apparatus to draft from the water source and pressurize the hydrant system is similar a situation to conducting water shuttles. It does commit the first apparatus to suppling

SFPE Engineering A Fire Safe World FELLOW

AFSA American Fire Sprinkler Association

NFPA MEMBER 2020-2021

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

TABLE B105.1(1)
REQUIRED FIRE FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

FIRE-FLOW CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE FLOW (gallons per minute)	FLOW DURATION (hours)
0–3,600	No automatic sprinkler system	1,000	1
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at the required fire-flow rate
0–3,600	Section 903.3.1.3 of the *South Carolina Fire Code* or Section P2904 of the *South Carolina Residential Code*	500	1/2
3,601 and greater	Section 903.3.1.3 of the *South Carolina Fire Code* or Section P2904 of the *South Carolina Residential Code*	1/2 value in Table B105.1(2)	1

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m.

TABLE B105.1(2)
REFERENCE TABLE FOR TABLES B105.1(1) AND B105.2

FIRE-FLOW CALCULATION AREA (square feet)					FIRE FLOW (gallons per minute)[b]	FLOW DURATION (hours)
Type IA and IB[a]	Type IIA and IIIA[a]	Type IV and V-A[a]	Type IIB and IIIB[a]	Type V-B[a]		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	3
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	4
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000	
—	—	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
—	—	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
—	—	135,501-145,800	97,901-106,800	60,201-64,800	6,750	
—	—	145,801-156,700	106,801-113,200	64,801-69,600	7,000	
—	—	156,701-167,900	113,201-121,300	69,601-74,600	7,250	
—	—	167,901-179,400	121,301-129,600	74,601-79,800	7,500	
—	—	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
—	—	191,401-Greater	138,301-Greater	85,101-Greater	8,000	

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m, 1 pound per square inch = 6.895 kPa.

a. Types of construction are based on the *South Carolina Building Code*.

b. Measured at 20 psi residual pressure.

00641

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

the hydrant system and presumes the fire department would have more than one responding fire truck for a fire.

If the County does not agree to using the fire truck, we will need a fire pump to pressurize the hydrant system on the site. The type of pump needed will also depend on if the tank/reservoir is above or below grade.

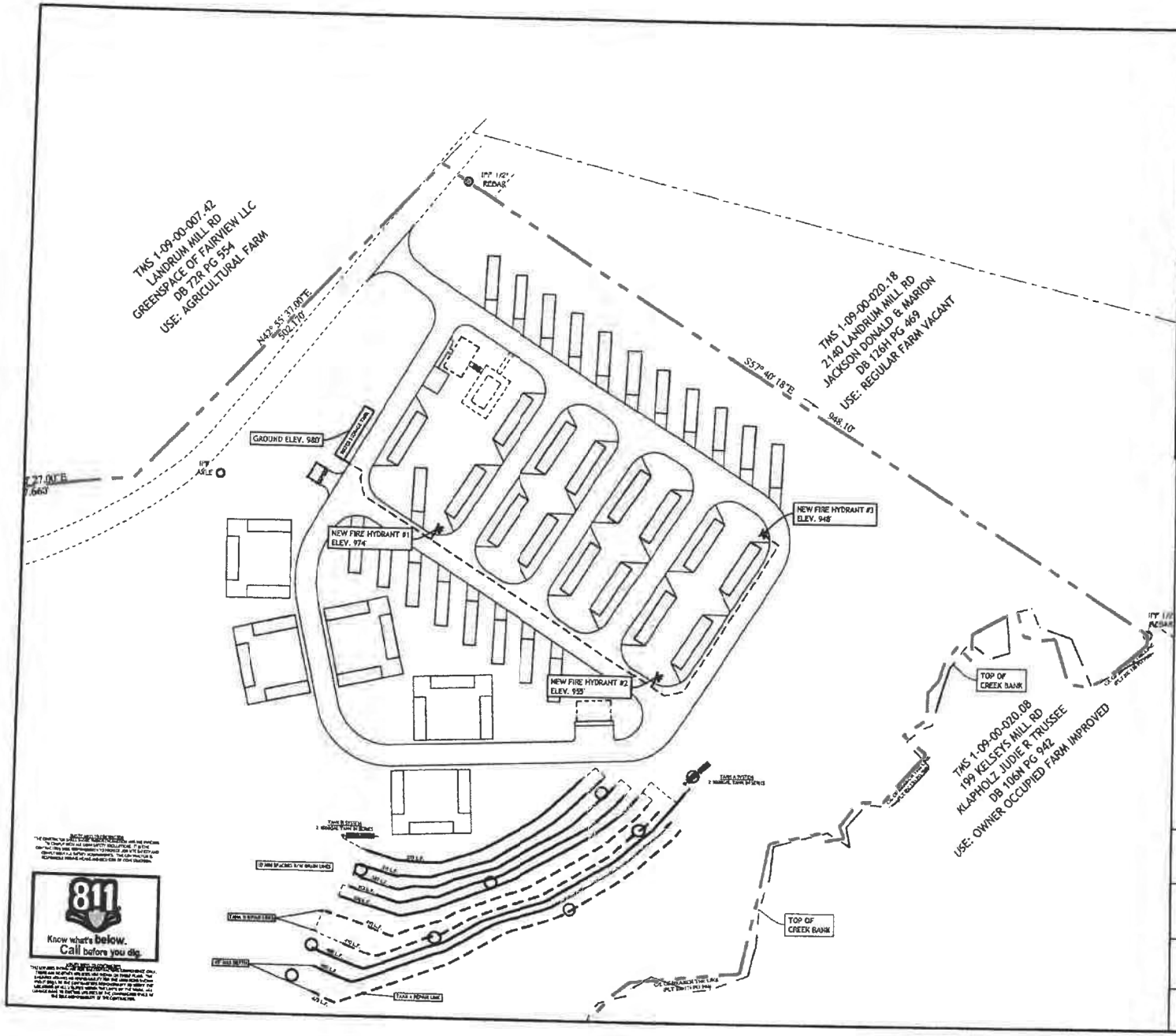
Please let me know if you have questions or need additional information. Feel free to contact me at [redacted]

Sincerely,

Ralph K. Foster, III, PE, FSFPE
Principal Fire Protection Engineer

Encl SCFC Table B105.2(1)

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



LOCATION MAP

UTILITY PLAN LEGEND

	PROPERTY BOUNDARY
	LOT LINES
	NEW ROAD/CURB & GUTTER
	DRAINAGE/UTILITY EASEMENTS
EX ELEC	EXISTING OVERHEAD ELECTRIC
EX GAS	EXISTING GAS
OHP	EXISTING OVERHEAD POWER
	EXISTING STORM DRAINAGE
	PROPOSED STORM DRAINAGE
WL	PROPOSED WATERLINE
SS	EXISTING SANITARY SEWER
	PROPOSED SANITARY SEWER
	PROPOSED SANITARY SEWER SERVICE LINE

T. TREE FARMS
PROPOSED RV PARK

DEVELOPER	ENGINEER
BLUE SKY ASSOCIATES, LLC PO BOX 5930 SPARTANBURG, SC 29304 864-809-6484	GRAY ENGINEERING EACH KOHNSON, P.E. 132 PILGRIM ROAD GREENVILLE, SC 29607

SETBACK CHART	SITE INFORMATION
FRONT: 40' SIDE : 30' REAR: 30'	PRIVATE DRIVE NO OPEN SPACE REQUIRED NO EXISTING STRUCTURES ON THE PROPERTY

SCALE: 1" = 50'

NO.	DATE	BY	REVISION

Gray Engineering
132 PILGRIM ROAD, GREENVILLE, SC 29607
PH: 864.331.1310 FAX: 864.331.1315
WWW.GRAYENGINEERING.COM

UTILITY PLAN

T. TREE FARMS
RV PARK
LANDRUM MILL ROAD
SPARTANBURG COUNTY, SC

PROJECT MANAGER:	EJH
DRAWN BY:	MSG
PROJECT DATE:	2/3/21
SCALE:	1"=50'
JOB NO.:	2021006
PLOT DATE:	12/8/21

SHEET
CV-3

Date : 1/14/2022 5:53:34 PM

[redacted]

Subject : T. Tree Farms Fire Protection Submittal
Attachment : T Tree Farms RV Park Required Fire Flow.pdf;T.TREE FARMS - Fire Protection.pdf;Spartanburg Transmittal.pdf;G-Transparent CMYK.png;

Good Afternoon Mr. Jolly,

I had hard copies of the attached delivered but also wanted to send over digital copies in the event you wanted to forward it to the local fire chief.

Please let me know if you have any comments or questions,

Waverly

Waverly Wilkes, P.E.
Senior Project Engineer | Gray Engineering
[redacted]
132 Pilgrim Road
Greenville, SC 29607
www.grayengineering.com

Virus-free. www.avast.com

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Gray Engineering

Letter of Transmittal

TO:

Brad Jolly
Building/Fire Codes
Spartanburg County
366 N. Church St. Room 500
Spartanburg, SC 29303
864-596-3163
bjolly@spartanburgcounty.org

DATE: 1/14/2022

G.E.C. JOB#: 2021006

RE:

T. Tree Farms - Fire Protection Plan

WE ARE TRANSMITTING							
☐	SHOP DRAWINGS	✔	PLANS	☐	SOIL RESULTS	✔	LETTER
☐	SUBMITTALS	☐	SPECIFICATIONS	☐	COST ESTIMATE	☐	SEE DETAIL
☐	PRINTS	☐	ATTACHED	✔	CALCULATIONS	☐	CD/DVD

MAILED VIA					
☐	UNITED STATES MAIL	☐	OVERNIGHT-NEXT AFTERNOON	✔	BY HAND
☐	OVERNIGHT- NEXT MORNING	☐	2ND DAY DELIVERY	☐	DIGITAL

AS CHECKED BELOW:							
☐	FOR APPROVAL	☐	PRELIMINARY	✔	REVIEW & COMMENT	☐	APPROVED AS SUBT.
☐	FOR YOUR USE	☐	FOR CONSTRUCTION	☐	BID DOCUMENTS	☐	APPROVED AS NOTED
☐	FOR FIELD USE	☐	AS REQUESTED	☐	PERMIT	☐	REVISE & RESUBMIT

QTY	REVISION NO.	DESCRIPTION
1		Required fire flow letter from Foster Engineering
1		Fire Protection Site Plan (24 x 36)

REMARKS:

To ensure we are moving forward for the fire protection approval please see the fire flow letter and site plan for your review and comment. Please let me know if you have any questions. 864-706-7268

DISTRIBUTION:

FROM: Waverly Wilkes

SIGNED: _____

- 132 Pilgrim Road Greenville, SC 29607 (864) 297-3027 -

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Foster Engineering & Consulting, LLC

PERSONAL INFORMATION

March 24, 2022

Mr Brad Jolley
Spartanburg County
366 N. Church St.
Spartanburg, SC 29303

Re: T Tree Farms RV (Recreational Vehicle) Park – Required Fire Flow – Landrum Mill Road, Spartanburg, SC

Dear Ms Jolley:

Below is my analysis of required fire flow for the T Tree Farms RV. The current plan has no buildings constructed on site (See enclosure #1). The South Carolina Fire Code (SCFC) 507.1 requires an approved water supply capable of supplying the required fire flow to premises on which facilities, buildings, or parts of buildings are constructed or moved into the jurisdiction to meet the necessary fire flow determined by the fire code official.

SCFC section 202 defines a Building as any structure utilized or intended for sheltering any occupancy. SCFC 201.4 instructs us to use Merriam Webster's Collegiate Dictionary, 11th edition to define terms in the code. The first definition for vehicles is "a means of carrying or transporting something planes, trains, and other vehicles. Part 1a states Motor Vehicle. A Recreational Vehicle is defined as ": a vehicle designed for recreational use (as in camping) especially : Motor Home". For this analysis, I will assume that a Fire Code Official classifies a Recreational Vehicle as a structure.

One method of calculating the required fire flow is using NFPA 1142. This standard is not adopted in South Carolina nor is it a referenced standard through the SCFC but is a recognized national standard for calculating required fire flow for in areas where there is no water or inadequate water for firefighting. Using the 2022 edition of the standard, we used the following inputs:

1) Occupancy hazard – 7 (dwelling)
2) Type of construction – 1.0 (NFPA 1142 – 6.2.2)
3) Structure dimensions (length, width, and height) – 45 ft x 9.5 x 10 ft = 4,275 ft^3 *
4) Exposures – 1.5 (another RV within 50 ft)

*I used the largest dimensions found on the https://campergrid.com/average-rv-length-width/. I also did not deduct for the volume under the vehicle.

The attached spreadsheet shows the calculated required fire water as 916 gallons. This number is modified by NFPA 1142 - 4.3.2 which requires the minimum water supply for a

SFPE Engineering A Fire Safe World FELLOW

AFSA American Fire Sprinkler Association

NFPA MEMBER 2022

structure with exposures to be not less than 3,000 gallons. Enclosure #2 with this letter is a spreadsheet summarizing the calculations.

NFPA 1142 7.1 discusses approved water supply. Section 7.1.5 permits areas without municipal water supply have the minimum water supply in the designated area or transportable to the designated area. Section 7.1.6 permits non-pressurized water supply to be accessible by dry hydrants when approved by the Authority Having Jurisdiction (AHJ). The water source must also be accessible by Fire Apparatus Access Road (NFPA 1142 7.5 & SCFC 503).

SCFC 507.2 permits the water supply for required fire flow to be from reservoirs. A buried tank with a dry hydrant connection and fire department apparatus access road per 503 is one method of meeting the water supply requirements.

My recommendation if the fire code official enforces "Required Fire Flow" for the site is to allow a single wall underground tank with 3,000 gallons of available water for fire department use. The fire department would draft from the tank and distribute the water for on scene operations. The tank would be approximately 8 feet in diameter and 12.5 feet long. An example of this style tank is enclosure #4. The tank would need to be accessible by an approve Fire Apparatus Access Road.

Please let me know if you have questions or need additional information. Feel free to contact me at Work (803) 787-4757x105, Cell (803) 315-1549, or e-mail Ralph@FosterEngr.com.

Sincerely,

SOUTH CAROLINA LICENSED PROFESSIONAL ENGINEER No. 23127 24-Mar-22 RALPH K. FOSTER, III

SOUTH CAROLINA CERTIFICATE OF AUTHORIZATION FOSTER ENGINEERING AND CONSULTING LLC No. 3285

Ralph K. Foster, III, PE, FSFPE
Principal Fire Protection Engineer

Encl Site Plan CV-3
NFPA 1142 Spreadsheet
Xerxes Fire Water Vertical Suction Tank

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Enclosure #1

T Tree Farms RV Park
Required Fire Water Calculations

As of 3/22/2022

Enclosure # 2

NFPA 1142 Formula 4.3.1: $$WS = \frac{VS}{OHC}(CC) * 1.5$$

Building Foot Print Length = 45 Width = 9.5 Sq. Ft. = 428

Total Sq. Ft. = 428

Height for each floor — Ceiling Height = 10 — Cu. Ft. = 4,275

Take 1/2 of pitched roof ht — Attic Height = 0 — Cu. Ft. = -

Additional space: (porch, etc.) 0 Length × 0 Width × 0 Height — Cu. Ft. = -

{VS} Total Cu. Ft. = 4,275

Total Cu. Ft. = 4,275 OHC = 7 Gallons = 611

Occupancy Hazard Classification number is 7 for dwellings {NFPA 1142 5.2.5.2 (5)}

Gallons = 611 CC = 1.0 Gallons = 611

Dwellings max 1.0 CC {NFPA 1142 6.2.2}

Gallons = 611 Exp = 1.5 Gallons = 916.07

Any structure within 50' of burn structure is considered an exposure and requires total gallons multiplied by 1.5. DO NOT add .5 for each additional exposures.

NFPA 1142 section 4.3.2 requires not less than 3,0000 gal for structures with exposures

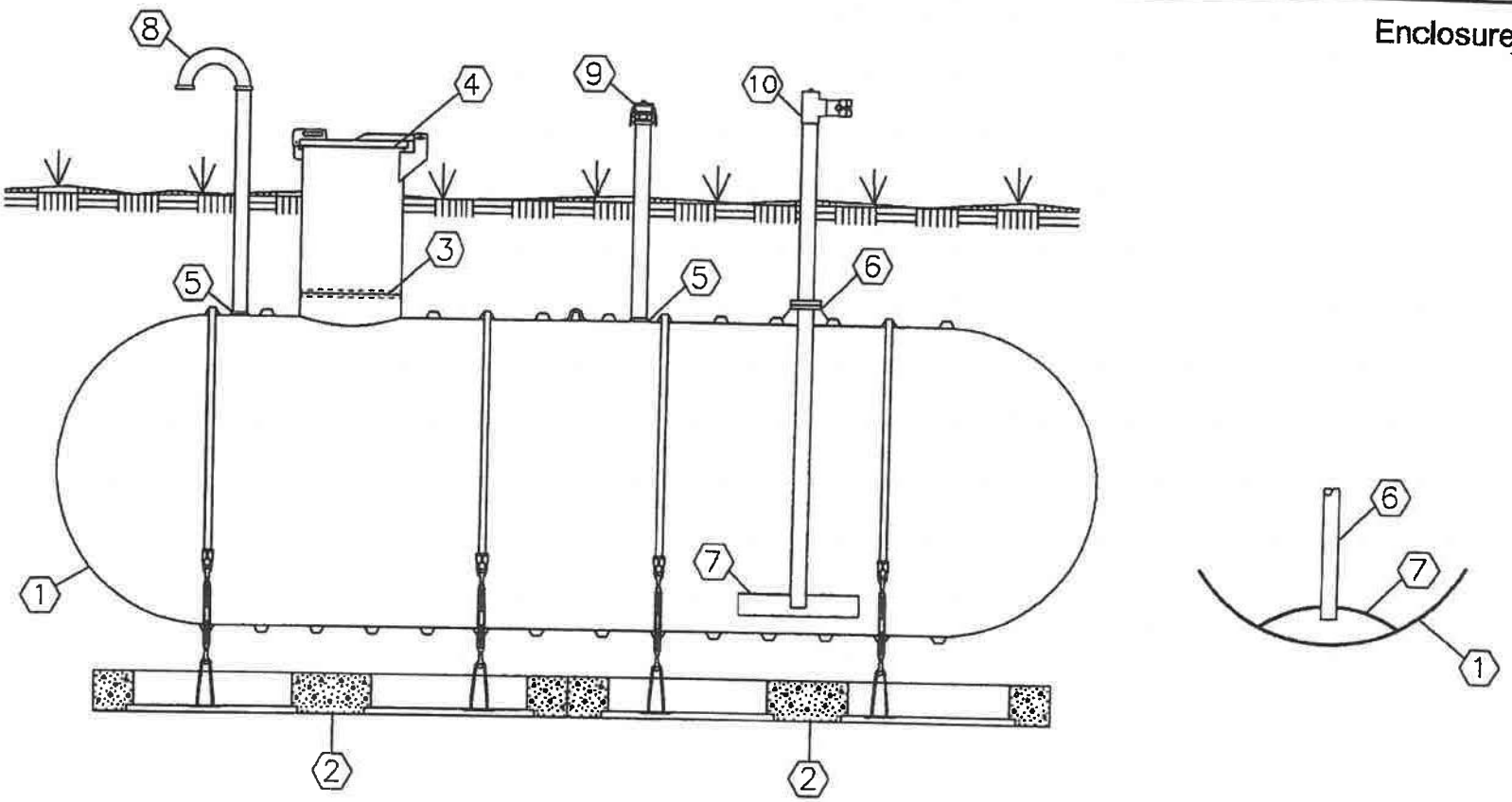
Total Gallons Required	GPM
Up to 2,499 Gallons	250 GPM
2,500 to 9,999 Gallons	500 GPM
10,000 to 19,999 Gallons	750 GPM
20,000 or more	1000 GPM

Total GPM for NFPA 1142 500

Gallons = 3,000 at 500 GPM 6.0 Minutes

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Enclosure # 3



NO.	DESCRIPTION
1	XERXES SINGLE WALL FRP TANK
2	XERXES PRECAST DEADMAN SYSTEM W/ HOLD DOWN STRAP AND TURNBUCKLE ASSEMBLY
3	30" I.D. ACCESS OPENING WITH ALIGNMENT RING
4	30" FRP RISER PIPE WITH HINGED & LOCKABLE TOP & GEL COAT
5	4" NPT SERVICE FITTING
6	4" FRP FLANGED & GUSSETED DOWN PIPE
7	FRP ANTI-VORTEX PLATE
8	4" VENT PIPE WITH BIRD SCREEN
9	4" FILL W/CAM LOCK CONNECTION
10	4" SUCTION W/FDC

FIRE WATER

This drawing is for illustrative purposes only.
Consult with an engineer for specific applications.

XERXES®
a ZCL company

TITLE
FIRE WATER STORAGE
VERTICAL SUCTION
WITH ANTI-VORTEX PLATE

DATE	DR. NO.
9-14	S20-311-01

00650

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Redaction Log

Reason	Page (# of occurrences)	Description
no reason	**3** (30)	---
PERSONAL INFORMATION	**1** (1) **3** (2)	Pursuant to SC. Code of Laws §30-4-40(a)(2)

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Foster Engineering & Consulting, LLC

[redacted]

May 31, 2022

Mr Brad Jolley
Spartanburg County
366 N. Church St.
Spartanburg, SC 29303

Re: T Tree Farms Recreational Vehicle Park – Required Fire Flow – Landrum Mill Road, Spartanburg, SC

Dear Mr. Jolley:

I appreciate your assistance throughout this process of determining the required fire flow for the T Tree Farms Recreational Vehicle (RV) Park. This letter is to document the agreed approach for providing the required fire flow for this site based on our discussions and Chief Caruso's input.

SCFC section 202 defines a Facility as a building or use in a fixed location including . . . and similar uses. This term includes *recreational vehicles*, . . . and storage lots.

The South Carolina Fire Code (SCFC) 507.1 requires an approved water supply capable of supplying the required fire flow to premises on which facilities, buildings, or parts of buildings are constructed or moved into the jurisdiction to meet the necessary fire flow determined by the fire code official. The fire official requested an engineer determine the required fire flow for this project.

I reviewed the National Fire Protection Association (NFPA) Research Foundation paper on Evaluation of Fire Flow Methodologies as you suggested. After reviewing the standard, I selected NFPA 1142 method of calculating the required fire flow. This standard is not adopted in South Carolina nor is it a referenced standard through the SCFC. NFPA 1142 is a recognized national standard for calculating required fire flow for in areas where there is no water or inadequate water for firefighting. Using the 2022 edition of MFPA 1142, I used the following inputs:

1) Occupancy hazard – 7 (dwelling)
2) Type of construction – 1.0 (NFPA 1142 – 6.2.2)
3) Structure dimensions (length, width, and height) – 45 ft x 9.5 x 10 ft = 4,275 ft^3 *
4) Exposures – 1.5 (another RV within 50 ft)

*I used the largest dimensions for an RV found on the https://campergrid.com/average-rv-length-width/. I also did not deduct for the volume under the vehicle.

SFPE Engineering A Fire Safe World FELLOW

American Fire Sprinkler Association

NFPA MEMBER 2022

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Foster Engineering & Consulting, PLLC

T Tree Farms RV Park Required Fire Flow

The attached spreadsheet shows the calculated required fire water as 916 gallons. This number is modified by NFPA 1142 - 4.3.2 which requires the minimum water supply for a structure with exposures to be not less than 3,000 gallons. I considered adjacent RV as exposures. NFPA 1142 does not require a time duration for the fire water calculation. Enclosure #1 is a spreadsheet summarizing these calculations.

NFPA 1142 7.1 discusses approved water supply. Section 7.1.5 permits areas without municipal water supply have the minimum water supply in the designated area (the RV park) or transportable to the designated area. Section 7.1.6 permits non-pressurized water supply to be accessible by dry hydrants when approved by the Authority Having Jurisdiction (AHJ).

Our plan is to provide:

- A 3,000 gallon underground tank. The tank would be approximately 8 feet in diameter and 12.5 feet long. The tank will be covered with a minimum of 3 feet of earth.
- The installation will have an elevation pressure of 1-1.5 psi provided to the highest hydrant when the tank is full.
- We will provide a 5-inch Stortz Connection at a 30 degree angle for fire department use.
- There will be an all-weather roadway to provide access to the Stortz connection.

An example of this style tank is enclosure # 3. The water source must be accessible by Fire Apparatus Access Road (NFPA 1142 7.5 & SCFC 503).

Please let me know if you have questions or need additional information. Feel free to contact me at Work [redacted] Cell [redacted] or e-mail [redacted]

Sincerely,

SOUTH CAROLINA LICENSED PROFESSIONAL ENGINEER No. 23127 31-May-22 RALPH K. FOSTER, III

SOUTH CAROLINA FOSTER ENGINEERING AND CONSULTING LLC No. 3285 CERTIFICATE OF AUTHORIZATION

Ralph K. Foster, III, PE, FSFPE
Principal Fire Protection Engineer

Encl Site Plan CV-3
NFPA 1142 Spreadsheet
Fire Water Storage Tank

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

T Tree Farms RV Park
Required Fire Water Calculations

As of 3/22/2022

Enclosure # 2

NFPA 1142 Formula 4.3.1: $$WS = \frac{VS}{OHC}(CC) * 1.5$$

Building Foot Print Length = 45 Width = 95 Sq. Ft. = 428

Total Sq. Ft. = 428

Height for each floor — Ceiling Height = 10 — Cu. Ft. = 4,275

Take 1/2 of pitched roof ht — Attic Height = 0 — Cu. Ft. = -

Additional space: (porch, etc.) Length 0 Width 0 Height 0 Cu. Ft. = -

{VS} Total Cu. Ft. = 4,275

Total Cu. Ft. = 4,275 OHC = 7 Gallons = 611

Occupancy Hazard Classification number is 7 for dwellings {NFPA 1142 5.2.5.2 (5)}

Gallons = 611 CC = 1.0 Gallons = 611

Dwellings max 1.0 CC {NFPA 1142 6.2.2}

Gallons = 611 Exp = 1.5 Gallons = 916.07

Any structure within 50' of burn structure is considered an exposure and requires total gallons multiplied by 1.5. DO NOT add .5 for each additional exposures.

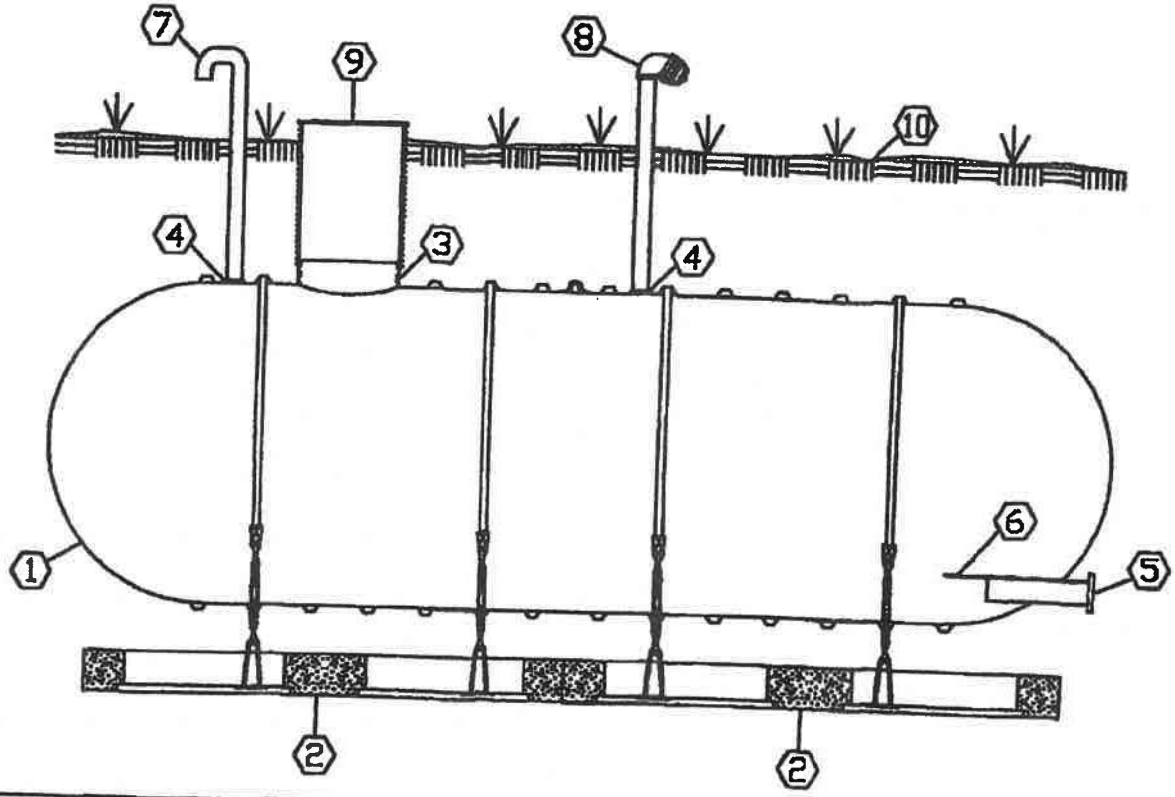
NFPA 1142 section 4.3.2 requires not less than 3,0000 gal for structures with exposures

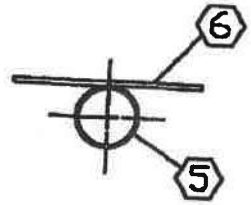
Total Gallons Required	GPM
Up to 2,499 Gallons	250 GPM
2,500 to 9,999 Gallons	500 GPM
10,000 to 19,999 Gallons	750 GPM
20,000 or more	1000 GPM

Total GPM for NFPA 1142 500

Gallons = 3,000 at 500 GPM 6.0 Minutes

Enclosure # 3





INTERNAL VIEW
(ENLARGED).

NO.	DESCRIPTION
1	SINGLE WALL FRP TANK
2	PRECAST DEADMAN SYSTEM W/ HOLD DOWN STRAP AND TURNBUCKLE ASSEMBLY
3	30" FRP OPENING
4	4" NPT SERVICE FITTING
5	6" HORIZONTAL DRAIN NOZZLE
6	FRP ANTI-VORTEX PLATE
7	4" VENT PIPE WITH GOOSENECK & BIRD SCREEN
8	5" STORZ CONNECTION TURNED DOWN 30 DEGREE, MINIMUM 18 IN. ABOVE GRADE
9	30" RIBBED PVC RISER W/ FRP LID
10	TANK FREEBOARD ELEVATION 977 FT PROVIDE 3 FT OF EARTH COVER OVER TOP OF TANK

FIRE WATER

FOSTER ENGINEERING & CONSULTING, LLC

[redacted]

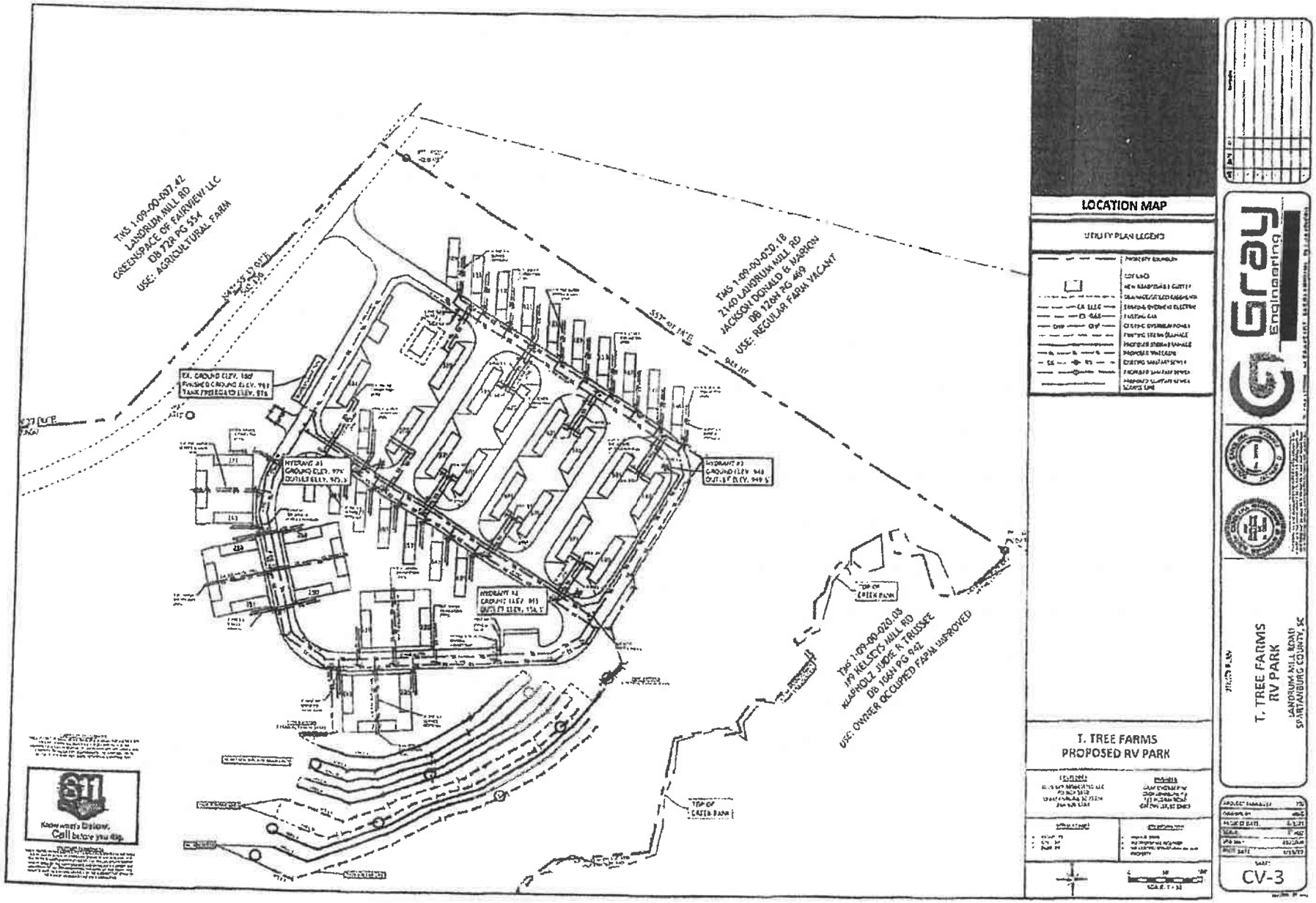
TITLE: FIRE WATER STORAGE
HORIZONTAL DRAIN
WITH ANTI-VORTEX PLATE

DATE: 05/22

DR. NO.: FP101

00655

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221


TMS 1-09-00-007.42
LANDRUM MILL RD
GREENSPACE OF FAIRVIEW LLC
DB 72R PG 554
USE: AGRICULTURAL FARM
TMS 1-09-00-020.18
21.40 LANDRUM MILL RD
JACKSON DONALD & MARION
DB 72RH PG 469
USE: REGULAR FARM VACANT
TMS 1-09-00-020.03
#9 KELSEY'S MILL RD
KLAPROLZ JODIE R TRUSSEE
DB 108H PG 942
USE: OWNER OCCUPIED FARM IMPROVED
TOP OF CREEK BANK
TOP OF CREEK BANK
LOCATION MAP
UTILITY PLAN LEGEND
T. TREE FARMS
PROPOSED RV PARK
T. TREE FARMS
RV PARK
LANDRUM MILL ROAD
SPARTANBURG COUNTY, SC
Gray
Engineering
CV-3

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Spartanburg County
Planning and Development Department

MINUTES
Planning and Development Commission
COUNTY COUNCIL CHAMBERS
March 7, 2023

Members Present:	Toby McCall, Vice Chairman Doug Brackett, Secretary Parker Champion Les Green Allen Newman Donna Turner Williams Stewart Winslow Bill Hamilton
Members Absent:	Whit Kennedy, Chairman
Staff Present:	John Harris, County Attorney Joan Holliday, Planning Director Leigh MacDonald, Current Planning Manager Ben Thomas, Planner IV Team Lead Jason Frady, Planner III Rachel Dill, Planner II Charity Reynolds, Development Coordinator I Azriel Gonzales, Engineering Coordinator Richie Smith, Development Coordinator

NOTICE: Pursuant to Section 30-4-80 of the S.C. Code of Laws, written notice of its regular meeting schedule was provided at the beginning of this calendar year via the County website. In addition, the Agenda for this Meeting was posted on the bulletin board at the entrance to the Administration Building as well as on the County's website and was emailed to all persons, organizations, and news media requesting notice.

1. Call to Order

Vice Chairman Toby McCall called the meeting to order.

2. Approval of Minutes

- February 7, 2023, Meeting

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Mrs. Donna Turner Williams made a motion to approve the February minutes. Mr. Doug Brackett seconded the motion. The motion carried with a vote of 8 to 0.

3. Public Hearing

Rachel Dill requested due to similarities in the variance requests that they be presented at the same time, but each variance request will be voted on separately. Vice Chairman, Toby McCall granted this request. Rachel Dill presented the following variance request staff reports for Jace Enterprises, LLC as shown below:

A. Jace Enterprises, LLC- 100 Strickland Drive, Roebuck, SC 29376
Tax Map Number: 6-30-00-006.04
Variance to reduce side setback.

Variance Request 1 of 2

Staff Report

Strickland Drive Apartments			
Meeting Date: March 7, 2023			
Address	100 Strickland Drive, Roebuck, SC 29376	**Ordinance**	Unified Land Management Ordinance
Factual Dates	**Variance Application Received**	12/30/2022	
	Deadline for Variance	02/07/2023	
	Public Notice	02/19/2023	
	Adjoining Property Owner Notification	02/21/2023	
	Variance Signs Posted on Property	02/21/2023	
Applicant	Jace Enterprises, LLC		
Applicant Status	Owner		
Map Number	P/O 6-30-00-006.04		
Acreage	2.56		
Staff	Rachel Dill		

Request:
The applicant is requesting to reduce the side setback for an existing commercial building conversion to an apartment building. The variance will only apply to the existing apartment building on the southern portion of the property, as required in Section 2.02-1 *Dimensional Standards*, Table 3a – *Residential Setbacks and Other Requirements*, of the Unified Land Management Ordinance.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Type	Required Setback	Proposed Setback	Variance
Side Setback (along the southern portion of the property) ONLY.	10	8.83 ft.	1.17 ft.

Background Information:

Don Worley, Engineer for the Strickland Drive Apartments project, has submitted two variance request applications on behalf of the property owner, Jace Enterprises, LLC. The variance requests are for the reduction of the required 10' side setback on the south side of the parcel and the required 20' rear setback on the east side of the parcel.

The proposed development involves the conversion of two existing commercial use structures into apartments with the third existing structure to be used as a storage building. Building 100, as shown on the site plan provided by the engineer, is located 8.83' from the side property line and the existing storage building is shown as being 11.41' from the rear property line. The proposed development will be located on 2.56 acres of the existing 4.23-acre lot. The remainder of the 4.23-acre lot will be subdivided off as future development. The apartments and adjacent properties will be separated by a proposed Class 5c 8' masonry wall buffer.

The applicant is requesting a reduction in the required 10' side setback along the southern parcel line to 8.83' and a reduction of the required 20' rear setback along the eastern property line to 11.41'.

Table 3a – *Residential Setbacks and Other Requirements* of the Unified Land Management Ordinance requires a minimum 10' side setback and 20' rear setback for Attached Multi-Plex Dwelling Projects.

As represented by the applicant, these structures were constructed in the 1990's and will be renovated in place for apartments without expansion of the structures. Building permits from 1994 and 1996 show the original uses of the 3 buildings were warehouses.

Staff Position:

Applicant has applied for a total of two variances related to the development of this site. If the two variance requests are granted by the Commission, the applicant will be able to meet all other requirements of the Ordinance.

Staff Analysis:

The Commission may grant a variance for an unnecessary hardship if it makes and explains in writing all the following findings. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property.**

Staff Analysis:
The existing buildings were constructed in the 1990s and were originally used as warehouses. Based on the setbacks listed in the Spartanburg County Development Standards Ordinance which were active at the time the buildings were permitted, the warehouse buildings on the southern and eastern end of the parcel were not constructed to meet the appropriate setbacks.

2. **These conditions do not generally apply to other property in the vicinity.**

Staff Analysis:
In order for each building to meet the setback requirements, both buildings would have to be to be moved to a new location on the site. The current 4.23-acre lot has sufficient space to accommodate the relocation of the 2 structures.

3. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.**

Staff Analysis:
Any change of use of this property would require fulfilling all current development standards, including the 10' side setback and 20' rear setback standards to be met. Since the buildings on the site were constructed in a manner that did not meet previous or current setbacks, any commercial development involving the current site structures and site configuration would be prohibited without a variance.

4. **The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the area will not be harmed by the granting of the variance.**

Staff Analysis:
Strickland Drive is a Minor Street and there are no other commercial or multi-family uses in the immediate vicinity of the subject site. The proposed change of use could cause an increase in traffic in the site vicinity. The proposed 8' masonry wall would contrast with the surrounding single family detached residential architecture of the neighborhood.

Attachments:

1. **Variance Application**
2. **Overall Site plan**

B. Jace Enterprises, LLC- 100 Strickland Drive, Roebuck, SC 29376
Tax Map Number: 6-30-00-006.04
Variance to reduce rear setback.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Variance Request 2 of 2

Staff Report

Strickland Drive Apartments			
Meeting Date: March 7, 2023			
Address	100 Strickland Drive, Roebuck, SC 29376	**Ordinance**	Unified Land Management Ordinance
Factual Dates	**Variance Application Received**	12/30/2022	
	Deadline for Variance	02/07/2023	
	Public Notice	02/19/2023	
	Adjoining Property Owner Notification	02/21/2023	
	Variance Signs Posted on Property	02/21/2023	
Applicant	Jace Enterprises, LLC		
Applicant Status	Owner		
Map Number	P/O 6-30-00-006.04		
Acreage	2.56		
Staff	Rachel Dill		

Request:

The applicant is requesting to reduce the rear setback for an existing commercial building conversion to an apartment building. The variance will only apply to the existing apartment building on the eastern portion of the property, as required in Section 2.02-1 *Dimensional Standards*, Table 3a – *Residential Setbacks and Other Requirements*, of the Unified Land Management Ordinance.

Type	Required Setback	Proposed Setback	Variance
Rear Setback (along the eastern portion of the property) ONLY.	20	11.41 ft.	8.59 ft.

Background Information:

Don Worley, Engineer for the Strickland Drive Apartments project, has submitted two variance request applications on behalf of the property owner, Jace Enterprises, LLC. The variance requests are for the reduction of the required 10' side setback on the south side of the parcel and the required 20' rear setback on the east side of the parcel.

The proposed development involves the conversion of two existing commercial use structures into apartments with the third existing structure to be used as a storage building. Building 100, as shown on

the site plan provided by the engineer, is located 8.83' from the side property line and the existing storage building is shown as being 11.41' from the rear property line. The proposed

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

development will be located on 2.56 acres of the existing 4.23-acre lot. The remainder of the 4.23-acre lot will be subdivided off as future development. The apartments and adjacent properties will be separated by a proposed Class 5c 8' masonry wall buffer.

The applicant is requesting a reduction in the required 10' side setback along the southern parcel line to 8.83' and a reduction of the required 20' rear setback along the eastern property line to 11.41'.

Table 3a – *Residential Setbacks and Other Requirements* of the Unified Land Management Ordinance requires a minimum 10' side setback and 20' rear setback for Attached Multi-Plex Dwelling Projects.

As represented by the applicant, these structures were constructed in the 1990's and will be renovated in place for apartments without expansion of the structures. Building permits from 1994 and 1996 show the original uses of the 3 buildings were warehouses.

Staff Position:
Applicant has applied for a total of two variances related to the development of this site. If the two variance requests are granted by the Commission, the applicant will be able to meet all other requirements of the Ordinance.

Staff Analysis:
The Commission may grant a variance for an unnecessary hardship if it makes and explains in writing all the following findings. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property.**

Staff Analysis:
The existing buildings were constructed in the 1990s and were originally used as warehouses. Based on the setbacks listed in the Spartanburg County Development Standards Ordinance which were active at the time the buildings were permitted, the warehouse buildings on the southern and eastern end of the parcel were not constructed to meet the appropriate setbacks.

2. **These conditions do not generally apply to other property in the vicinity.**

Staff Analysis:
In order for each building to meet the setback requirements, both buildings would have to be to be moved to a new location on the site. The current 4.23-acre lot has sufficient space to accommodate the relocation of the 2 structures.

3. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.**

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Staff Analysis:
Any change of use of this property would require fulfilling all current development standards, including the 10' side setback and 20' rear setback standards to be met. Since the buildings on the site were constructed in a manner that did not meet previous or current setbacks, any commercial development involving the current site structures and site configuration would be prohibited without a variance.

4. **The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the area will not be harmed by the granting of the variance.**

Staff Analysis:
Strickland Drive is a Minor Street and there are no other commercial or multi-family uses in the immediate vicinity of the subject site. The proposed change of use could cause an increase in traffic in the site vicinity. The proposed 8' masonry wall would contrast with the surrounding single family detached residential architecture of the neighborhood.

Attachments:

1. **Variance Application**
2. **Overall Site plan**

Rachel Dill presented the Commission the variance request applications, an aerial image of the site, a zoomed out aerial image of the site, the proposed site plan for Strickland Drive Apartments, a detailed image of the side and rear setbacks as shown on the proposed site plan, a street view from the intersection of Canaan and Strickland Drive, and a street view from Strickland Drive. She also included images of the front of Building 100, an image of the area for the side setback variance request, an image of Buildings 100 and 102, an image of the storage building and Building 100, the front of the storage building, the area for the rear setback variance request, and the view of the subject property from the northern property line.

Mrs. Dill explained to the Commission that the applicant is requesting to reduce the side setback from the existing commercial buildings for a conversion to an apartment building, in addition to a variance request to reduce the rear setback for the proposed storage building. Mrs. Dill stated that variance one will only apply to the existing parcel and existing apartment building on the southern portion of the property, and variance two will only apply to the existing storage building along the eastern property line as required in Section 2.02-1 *Dimensional Standards*, Table 3a – *Residential Setbacks and Other Requirements*, of the Unified Land Management Ordinance.

Mrs. Dill provided the Commission with some background information and the proposed development of the subject site as listed in the staff report. She read through the staff position and four criteria provided in the staff report for each request.

Mrs. Dill reviewed the site images of the proposed development and pointed out the exact location for each variance request.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Vice Chairman Toby McCall asked if the Commission had any questions. Being none, Mr. McCall requested that everyone in attendance silence their cellphones and be mindful of the fact that there were several items to get through on the agenda.

Vice Chairman Toby McCall briefly went over the rules in place for public hearings.

Vice Chairman Toby McCall opened the public hearing.

Fred Hyde representing Mr. Randy Bagwell, owner of an adjoining property, was sworn in by Vice Chairman Toby McCall. Mr. Hyde explained that the existing wooden fence on the property was in disrepair and went against the previous agreement for maintenance. Mr. Hyde provided images of the existing fence. The images of the fence were entered into the record as Exhibit "A". Mr. Hyde then read off several questions provided by Mr. Bagwell, including, where the wall would be located, confirmation that the wall would not encroach on his property, the proposed design of the wall including the height and material, and also expressed concerns over storm drainage and any damage that would occur on his property during construction. Mr. Hyde emphasized the concern from Mr. Bagwell about the previous neglected site that included issues with pest control and lack of general upkeep.

Vice Chairman Toby McCall stated that many of the questions asked by Mr. Hyde may be answered by staff and that the public hearing was to allow the public a chance to provide input. Mr. McCall continued that the variances would be voted on later in the meeting. Mr. McCall asked the Commission if they had any questions for Mr. Hyde.

Christopher Hoff was sworn in by Vice Chairman McCall. Mr. Hoff said he lived directly across from the proposed development and requested more information about the apartment project. Mr. Hoff expressed concerns about water runoff and associated erosion. Mr. Hoff continued to express concern about the ability for a septic system to support the number of units as well as an increase in traffic on the already narrow road. Mr. Hoff questioned if the proposed variances would include anything other than building setbacks.

John Rice for The Keller Estate was sworn in. Mr. Rice agreed with previous statements regarding the existing fence, neglected project site, and an increase in traffic. Mr. Rice questioned the location of the proposed wall and the potential negative impacts to 130 Strickland Drive that could result from the apartment project. He requested confirmation that the proposed development would not encroach upon 130 Strickland Drive as his property is currently in probate and would be placed for sale.

Ryan Chavis was sworn in by Vice Chairman Toby McCall. Mr. Chavis said that his property is adjacent to the subject site and questioned if the current use of a used car lot would remain in addition to the proposed apartments. He also expressed concerns about an increase in traffic and the potential for property values to decline. Mr. Chavis agreed with previous statements regarding the poor condition of the subject site.

Greg Godbout was sworn in. Mr. Godbout stated that he was the property owner and applicant for the variance requests. He thanked those that spoke and brought up questions about the property. Mr. Godbout continued stating that he has been the property owner for 35 years and that the

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

proposed project would enhance the current state of the subject site. Mr. Godbout stated that the project would be constructed in phases and the wall would be done in a tasteful manner. He reassured the adjoining owners that the improvements would be beneficial to the surrounding area.

Vice Chairman Toby McCall asked if the Commission had any questions for Mr. Godbout.

Mrs. Donna Turner Williams asked Mr. Godbout to provide additional information about the proposed buffer wall.

Mr. Godbout responded that the proposed buffer wall would conform with the current requirements for a buffer wall.

Mrs. Donna Turner Williams asked Mr. Godbout what the buffer wall would be constructed of, who the mason would be, and who would be the landscape architect.

Mr. Godbout responded he is in the process of getting bids and the whole project is on hold contingent upon the outcome of the variance requests. Mr. Godbout concluded that if the variances were not approved, he may continue the current use of the property.

Vice Chairman Toby McCall asked if the Commission had any additional questions for Mr. Godbout. Vice Chairman Toby McCall asked if anyone else would like to speak. Since there were no additional speakers Vice Chairman Toby McCall closed the Public Hearing.

C. PBB L.P.- Broken Chimney Road, Inman, SC 29349
Tax Map Number: 6-05-00-003.30
Variance to reduce road frontage on proposed Lot 1.

Ben Thomas requested due to similarities in the variance requests that they be presented at the same time, but each variance request will be voted on separately. Vice Chairman, Toby McCall granted this request. Ben Thomas presented the following variance request staff reports for PBB L.P. as shown below:

Variance Request 1 of 2

Staff Report

PBB, L.P.			
Meeting Date: March 7, 2023			
Address	Broken Chimney Road, Inman, SC 29349	**Ordinance**	Subdivision Regulations
Factual Dates	**Variance Application Received**	02/06/2023	
	Deadline for Variance	02/07/2023	
	Public Notice	02/19/2023	
	Adjoining Property Owner Notification	02/21/2023	
	Variance Signs Posted on Property	02/21/2023	
Applicant	PBB, LP		

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Applicant Status	Owner
Map Number	P/O 6-05-00-003.30
Acreage	2.79 acres
Staff	Ben Thomas

Request:
The applicant is requesting to reduce the 100'road frontage requirement for a newly created lot on a road that connects to an Arterial or Collector on one end. The variance will apply to Lot 1 as required in Section 7.30 *Lots*, of the Subdivision Regulations.

Type	Required Frontage	Proposed Frontage	Variance
Road Frontage (along Broken Chimney Road) Lot 1	100'	50.78'	49.22'

Background Information:
Lamar Baehr, Agent for PBB, L.P., has submitted two variance request applications. The variance requests are to allow the subdivision of PBB, L.P.'s 279.22-acre lot that would reduce the road frontage for each of the two proposed lots to less than the required 100' minimum.

A Minor Subdivision plat for PBB, L.P. has been submitted for review. The Minor Subdivision plat shows the 2.79-acre Lot 1 and the 19.83-acre Lot 2 being subdivided from the 279.22-acre parent parcel. Both Lot 1 and Lot 2 would have reduced road frontage along Broken Chimney Road.

Section 7.30 *Lots* of the Subdivision Regulations states, "A subdivision proposed along any of the following roads must have no more than 4 lots fronting that road and using that road for driveway access. These lots must have at least 100' of road frontage." The variance for Lot 1 would reduce the required road frontage from 100' to 50.78' and the variance for Lot 2 would reduce the required road frontage from 100' to 35.43'. The remainder of the parcel would result in an Easement Lot as defined in Section 2.20 of the Subdivision Regulations and would receive its frontage from the proposed 50' access easement. Black Road, which runs through the northern portion of the parent parcel, is privately maintained.

In 2018, PBB, L.P. submitted a summary plat application to subdivide 9 lots to the south of the subject parcel. This summary plat left 85.31' along Broken Chimney Road for the remainder of the tract.

As represented by the applicant, the need for the variances is to create two parcels that have inadequate frontage along a publicly maintained road. In the application, the applicant stated that both parcels would be accessed via a shared 50' access easement.

Staff Position:
The Planning Department Staff recommends denial of these variance requests. These recommendations are based on the limited road frontage for each lot.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201121

Staff also believes that an alternative to the design proposed by this variance request would be to construct an internal road allowing for each proposed lot to have adequate frontage provided in section 7.30 *Lots*. The internal road would not only allow for each lot to meet the minimum road frontage requirements but would limit the potential number of curb cuts along Broken Chimney Road. The construction of a private road would also give the remainder of the parcel fee simple frontage along a road built to county minimum standards for a private road.

Staff Analysis:

The four criteria that the Commission is accustomed to using as determination for the approval or denial of a variance request are required by state law on zoning variance requests. As this request is instead in relation to a subdivision variance, the Commission is not bound by consideration of those four criteria. Per Section 3.30 *Variance from the Requirements of these Regulations*, "the Commission may hear requests for a variance to any of the standards or regulations that are uniquely located in this Ordinance. A variance that modifies any of these standards and regulations must not be contrary to the public interest; but, owing to conditions peculiar to the property, the Commission may determine that a literal enforcement would result in unnecessary and undue hardship."

Attachments:

1. **Variance Application**
2. **Overall Site plan**

D. PBB L.P.- Broken Chimney Road, Inman, SC 29349
Tax Map Number: 6-05-00-003.30
Variance to reduce road frontage on proposed Lot 2.

Variance Request 2 of 2

Staff Report

PBB, L.P.			
Meeting Date: March 7, 2023			
Address	Broken Chimney Road, Inman, SC 29349	**Ordinance**	**Subdivision Regulations**
Factual Dates	**Variance Application Received**	02/06/2023	
	Deadline for Variance	02/07/2023	
	Public Notice	02/19/2023	
	Adjoining Property Owner Notification	02/21/2023	
	Variance Signs Posted on Property	02/21/2023	
Applicant	PBB, LP		
Applicant Status	Owner		
Map Number	P/O 6-05-00-003.30		
Acreage	19.83 acres		
Staff	Ben Thomas		

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Request:
The applicant is requesting to reduce the 100'road frontage requirement for a newly created lot on a road that connects to an Arterial or Collector on one end. The variance will apply to Lot 2 as required in Section 7.30 *Lots*, of the Subdivision Regulations.

Type	Required Frontage	Proposed Frontage	Variance
Road Frontage (along Broken Chimney Road) Lot 2	100'	34.53'	65.47'

Background Information:
Lamar Baehr, Agent for PBB, L.P., has submitted two variance request applications. The variance requests are to allow the subdivision of PBB, L.P.'s 279.22-acre lot that would reduce the road frontage for each of the two proposed lots to less than the required 100' minimum.

A Minor Subdivision plat for PBB, L.P. has been submitted for review. The Minor Subdivision plat shows the 2.79-acre Lot 1 and the 19.83-acre Lot 2 being subdivided from the 279.22-acre parent parcel. Both Lot 1 and Lot 2 would have reduced road frontage along Broken Chimney Road.

Section 7.30 *Lots* of the Subdivision Regulations states, "A subdivision proposed along any of the following roads must have no more than 4 lots fronting that road and using that road for driveway access. These lots must have at least 100' of road frontage." The variance for Lot 1 would reduce the required road frontage from 100' to 50.78' and the variance for Lot 2 would reduce the required road frontage from 100' to 35.43'. The remainder of the parcel would result in an Easement Lot as defined in Section 2.20 of the Subdivision Regulations and would receive its frontage from the proposed 50' access easement. Black Road, which runs through the northern portion of the parent parcel, is privately maintained.

In 2018, PBB, L.P. submitted a summary plat application to subdivide 9 lots to the south of the subject parcel. This summary plat left 85.31' along Broken Chimney Road for the remainder of the tract.

As represented by the applicant, the need for the variances is to create two parcels that have inadequate frontage along a publicly maintained road. In the application, the applicant stated that both parcels would be accessed via a shared 50' access easement.

Staff Position:
The Planning Department Staff recommends denial of these variance requests. These recommendations are based on the limited road frontage for each lot.

Staff also believes that an alternative to the design proposed by this variance request would be to construct an internal road allowing for each proposed lot to have adequate frontage provided in section 7.30 *Lots*. The internal road would not only allow for each lot to meet the minimum road frontage requirements, but would limit the potential number of curb cuts along Broken Chimney

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Road. The construction of a private road would also give the remainder of the parcel fee simple frontage along a road built to county minimum standards for a private road.

Staff Analysis:
The four criteria that the Commission is accustomed to using as determination for the approval or denial of a variance request are required by state law on zoning variance requests. As this request is instead in relation to a subdivision variance, the Commission is not bound by consideration of those four criteria. Per Section 3.30 *Variance from the Requirements of these Regulations*, "the Commission may hear requests for a variance to any of the standards or regulations that are uniquely located in this Ordinance. A variance that modifies any of these standards and regulations must not be contrary to the public interest; but, owing to conditions peculiar to the property, the Commission may determine that a literal enforcement would result in unnecessary and undue hardship."

Attachments:

1. **Variance Application**
2. **Overall Site plan**

Ben Thomas requested that the record reflect a revision to the original staff report for Variance Request 2 of 2 Reduction of Required Road Frontage for Lot 2. The proposed frontage for Lot 2 needs to be corrected from 35.43' to 34.53' with the variance amount needing to be changed from 64.57' to 65.47'.

Ben Thomas presented the board the variance request applications, an aerial image of the site, a zoomed out aerial image of the site, the proposed Minor Subdivision Plat for PBB, L.P., a detailed image of the road frontage as shown on the proposed Minor Subdivision Plat, a street view from Broken Chimney Road showing frontage for proposed Lots 1 and 2, and street views from Broken Chimney Road and Black Road.

Mr. Thomas explained to the board that the applicant is requesting to reduce the required road frontage for Lot 1 and Lot 2 as shown on the proposed minor subdivision plat. Mr. Thomas stated that Variance 1 will only apply to the proposed Lot 1, and Variance 2 will only apply to the proposed Lot 2 as required in Section 7.30 *Lots*, of the Subdivision Regulations.

Mr. Thomas provided the board with the background information and the proposed subdivision of the subject site as listed in the staff report. He read through the staff position and stated that the four criteria that the Commission is accustomed to using as determination for the approval or denial of a variance request are required by state law on zoning variance request. As this request is instead in relation to a subdivision variance, the Commission is not bound by consideration of those four criteria.

Mr. Thomas revisited the site images of the proposed subdivision and pointed out the exact location for each variance request.

Ben Thomas asked the Commission members if they had any questions.
Mr. Doug Brackett asked if Black Road provides access to the property.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Ben Thomas responded that Black Road would not provide access to the proposed Lot 1 and Lot 2 as shown on the proposed Minor Subdivision Plat. Mr. Thomas continued that he believed Black Road is how the applicant is currently accessing the property but he would let the applicant confirm.

Vice Chairman Toby McCall asked if the Planning Commission had any further questions for staff. Being none, Vice Chairman Toby McCall opened the public hearing.

Lamar Baehr, an agent for the owner of the subject property and applicant of the two variance requests, was sworn in by Vice Chairman Toby McCall.

Lamar Baehr explained that the goal of the Minor Subdivision was to subdivide 2 lots for a total of approximately 28 acres from the approximately 275 acre parent parcel. Mr. Baehr said that he had a client interested in purchasing both lots. One of the lots would contain the existing rental property, while the other lot would be used for the purchaser's personal home. Mr. Baehr expressed frustration about the current Subdivision Regulations and the amount of frontage that is required to subdivide. He continued to say that after developing nine lots off Broken Chimney Road, there was approximately 50' of remaining road frontage left over for future development. Mr. Baehr stated that the proposed lots would be accessed via a shared drive and that there would be no further development in this area.

Vice Chairman Toby McCall asked if the Commission had any questions for Mr. Baehr. Since there were no additional questions, Mr. McCall asked if anyone in attendance would like to speak.

George Tesowski was sworn in by Vice Chairman Toby McCall. Mr. Tesowski asked if there would be any restrictions placed to prohibit future development as it may impact his property. Mr. Baehr answered that the rental house would remain and a residence would be built on the other proposed lot.

4. **Old Business** – None

5. **New Business**

A. Variances

a. Jace Enterprises, LLC- 100 Strickland Drive, Roebuck, SC 29376
Tax Map Number: 6-30-00-006.04
Vote on variance to reduce side setback.

Vice Chairman Toby McCall said he believed it was beneficial anytime a property is improved and that he believed it was good to give variances to projects that will improve the current site. Vice Chairman Toby McCall continued that he wanted to acknowledge the concerns of the surrounding property owners.

Bill Hamilton made a motion to approve the variance to reduce the side setback. Parker Champion seconded the motion. The motion carried with a vote of 8 to 0.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

b. Jace Enterprises, LLC- 100 Strickland Drive, Roebuck, SC 29376
Tax Map Number: 6-30-00-006.04
Vote on variance to reduce rear setback.

Bill Hamilton made a motion to approve the variance to reduce the rear setback. Les Green seconded the motion. The motion carried with a vote of 8 to 0.

c. PBB L.P.- Broken Chimney Road, Inman, SC 29349
Tax Map Number: 6-05-00-003.30
Vote on variance to reduce road frontage on proposed Lot 1.

Parker Champion made a motion to approve the variance to reduce the road frontage on proposed Lot 1. Allen Newman seconded the motion. The motion carried with a vote of 8 to 0.

d. PBB L.P.- Broken Chimney Road, Inman, SC 29349
Tax Map Number: 6-05-00-003.30
Vote on variance to reduce road frontage on proposed Lot 2.

Parker Champion made a motion to approve the variance to reduce road frontage on proposed Lot 2. Les Green seconded the motion. The motion carried with a vote of 8 to 0.

6. Discussion Items – None

7. Unified Land Management Ordinance (No. O-99-015)

A. Subdivisions

1. Major (Preliminary Plats) – None

2. Major Final Plats (Read in Only) *-

Rachel Dill requested that the following Major Final Plats be read into the record as approved Major Final Plats:

a. Anderson Grant Phase 5 (With all roads to be classified as Residential Local Detached) - Council District 4
b. Anderson Grant Phase 6 (With all roads to be classified as Residential Local Detached) - Council District 4

Doug Brackett made a motion to read Anderson Grant Phase 5 (With all roads to be classified as Residential Local Detached) and Anderson Grant Phase 6 (With all roads to be classified as Residential Local Detached) into the record as approved Major Final Plats. Donna Turner Williams seconded the motion. The motion carried with a vote of 8 to 0.

3. Minor Summary Plats (Read in Only) * - None

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

4. **Minor Private Road Developments (Read in Only) * -** None

5. **Minor Family Property (Read in Only) * -** None

B. Land Development

1. Major (Preliminary Plats)

a. Ransdell Pointe- Council District 1

Jason Frady presented the following staff report for Ransdell Pointe.

1. Factual Dates

a. Plats and Application received	02/07/2023
b. Planning Commission deadline date	02/14/2023
c. Planning Commission Meeting	03/07/2023

2. Background Information

Mark III Properties, LLC, through its engineer, Bluewater Civil Design, LLC, has submitted an application for a townhome development project. The parcel that will contain the proposed townhome development is approximately 10.55 acres and is located on Plainview Drive in Spartanburg, SC. The developer is proposing 11 new buildings that contain a total of 61 units, with a density of 5.78 units per acre. Common open space required for the proposed development at 10% of the 10.55 acres is approximately 1.06 acres, and the developer is proposing approximately 4.53 acres or approximately 43%. The total square footage for the buildings will be approximately 97,600 sq. ft with an average of 1,600 sq. ft. per unit. No buffering is required as all surrounding properties are currently vacant or a commercial use. The proposed development will have approximately 0.22 miles of new internal roads, which will be publicly maintained. This project previously received conditional Preliminary Plat approval from the Planning Commission on August 2, 2022. The new layout shows an increase in the number of units resulting in an increase in density. Also, the second access point has been moved from Plainview Drive Extension to Plainview Drive.We3 have an aerial image of the site, zoomed out aerial image of the site and the proposed preliminary plat which you should all have. This is a view looking from Plainview Drive and looking from Plainview Drive Extension.

3. Staff Recommendation

The Planning Staff recommends that the Planning Commission grant conditional Preliminary Plat approval for Ransdell Pointe, contingent upon receiving approvals from Spartanburg County Public Works (Engineering and Stormwater), Spartanburg County

GIS and Addressing (road naming), Spartanburg County Building Codes (fire hydrant locations), SSSD (Sewer), and SWS (Water).

Les Green made a motion to grant conditional Preliminary Plat approval for Ransdell Pointe, contingent upon receiving approvals from Spartanburg County Public Works (Engineering and Stormwater), Spartanburg County GIS and Addressing (road naming), Spartanburg County Building Codes (fire hydrant locations), SSSD (Sewer), and SWS (Water). Bill Hamilton seconded the motion. The motion carried with a vote of 8 to 0.

b. Broomfield Townes- Council District 1

Jason Frady presented the following staff report for Broomfield Townes.

1. **Factual Dates**

a.	Plats and Application received	02/02/2023
b.	Planning Commission deadline date	02/14/2023
c.	Planning Commission Meeting	03/07/2023

2. **Background Information**

Upward Lease, LLC, through its engineer, Gray Engineering, has submitted an application for a townhome development project. The parcel that will contain the proposed townhome development is approximately 2.46 acres and is located on North Blackstock Road in Spartanburg, SC. The developer is proposing 6 new buildings that contain a total of 24 units, with a density of 9.76 units per acre. Common open space is not required for the proposed development, because the unit total is less than 25.

However, the developer is proposing 0.43 acres or approximately 17%. The total livable square footage for all buildings will be approximately 42,240 sq. ft with an average livable sq. ft. per unit of 1,760 sq. ft. No buffering will be required as neighboring uses are all townhomes. The proposed development will have approximately 0.07 miles of new internal road, which will be privately maintained. This is an aerial image of the site, this is a zoomed out aerial image, the proposed preliminary plat which you should have a copy of and a view looking from Blackstock Road.

3. **Staff Recommendation**

The Planning Staff recommends that the Planning Commission grant conditional Preliminary Plat approval for Broomfield Townes, contingent upon receiving approvals from Spartanburg County Public Works (Engineering and Stormwater), Spartanburg County GIS and Addressing (road naming), and SCDOT (encroachment).

Jason Frady requested that the minutes reflect that there was an error in the original staff report. The sentence with the common open space requirement should reflect the following, "Common open space is not required for the proposed development, because the unit total is less than 25."

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Bill Hamilton made a motion to grant conditional Preliminary Plat approval for Broomfield Townes, contingent upon receiving approvals from Spartanburg County Public Works (Engineering and Stormwater), Spartanburg County GIS and Addressing (road naming), and SCDOT (encroachment). Parker Champion seconded the motion. The motion carried with a vote of 8 to 0.

2. Major Final Plats (Read in Only) * -

Rachel Dill requested that the following Major Final Plats be read into the record as approved Major Final Plats:

a. Berkeley Phase 2- Council District 3
b. Westgate Village Townhomes- Council District 1

Doug Brackett made a motion to read Berkeley Phase 2 and Westgate Village Townhomes into the record as approved Major Final Plats. Donna Turner Williams seconded the motion. The motion carried with a vote of 8 to 0.

Vice Chairman Toby McCall addressed the audience and let them know the Commission was aware that many in attendance were there to voice their concerns about a project on the agenda. However, Mr. McCall made note that projects that are presented before the Planning Commission do not have public hearings. Rather, the Commission bases its approval on presentations made by County Staff and the design professionals associated with the project and the answers that they provide to the Commission. Mr. McCall reiterated that the Major Site Plans that were presented would not have a public hearing. Mr. McCall stated that the Commissioners are aware of the project and have thoroughly reviewed all documentation for the Planning Commission projects.

3. Major Site Plan –

a. T. Tree Farms- Council District 2

Leigh MacDonald presented the following Staff Report.

1. Factual Dates

a. Planning Commission Application received	02/08/2023
b. Planning Commission deadline date	02/14/2023
c. Planning Commission Meeting	03/07/2023

2. Background Information

Blue Sky Associates, LLC is proposing to establish a new RV Park at 1970 Landrum Mill Road. The proposed development includes 49 recreational vehicle (RV) sites to be developed in accordance with the Unified Land Management Ordinance requirements as

specified in Section 3.13, Camps and Recreational Vehicle Park. The ULMO does restrict access RV Parks to roads that are classified as an Arterial or Collector Road. Landrum Mills Road is considered a Collector Road on our Partial Restriction District Map. The subject site consists of approximately 38.68 acres, which would result in a proposed density of 1.27 spaces per acre. The proposed RV Park will contain 0.58 miles of new drive that will be privately maintained. The ULMO also specifies that each site should be within 150 feet of a drinking water supply or within 300 feet of a comfort station. Since all of these sites are proposed to have individual hookups for water and sewer, a comfort station will not be required. This project previously received contingent approval by the Planning Commission on March 2, 2021. Changes between the two versions include a decrease in the total number of spaces from 50 to 49, and a change in the proposal to provide water supply through a well permitted by SCDHEC instead of a line extension by ICWD.

3. Staff Recommendation

Staff recommends that the Planning Commission conditionally grant Site Plan approval for 49 RV spaces for T. Tree Farms RV Park contingent upon receiving approvals from Spartanburg County Public Works (Engineering, Stormwater, and Encroachment), SCDHEC (Permit to Construct a Production Well), and withdrawal of the previous application which received contingent approval in March of 2021.

Leigh MacDonald presented the Commission with an aerial image of the property, a zoomed out aerial image of the site, the proposed site plan, and a street view image of the proposed subject site looking from Landrum Mill Road. Mrs. MacDonald referenced the requirement in the ULMO for access to this type of use be limited to a Collector or Arterial Road and identified Landrum Mill Road as a Collector Road, classified by the approved Partial Restriction District Map. Mrs. MacDonald also informed the Commission that the ULMO requires that each site be located less than 150 feet from a drinking water supply or 300 feet from a comfort station. Mrs. MacDonald indicated that this requirement will be met by having individual water and sewer hookups at each site as represented by the developer. .

Vice Chairman Toby McCall asked if the Commission had any questions for staff and if the developer was present.

Allen Newman inquired why the developer switched from public water to a well.

Alex Shiassias, the attorney for the project, responded that there was resistance from surrounding property owners to having the water line established.

Vice Chairman Toby McCall reminded those in attendance that comments and outbursts from the audience would not be recognized as there was no public hearing for this project. Mr. McCall stated that the comments were preventing the Commission from hearing all facts from the developer, design team, and staff. Mr. McCall stated that if you could not act in a civil manner that you would need to please excuse yourself from the Chambers.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

The Commission asked why there was a decrease in the number of spaces from the original submittal.

Ms. Waverly Wilkes, engineer for the project, responded that one RV space was lost at the request of the developer. Ms. Wilkes noted that the RV space that was removed was the first unit to the left as you entered the site and was removed for design reasons.

Donna Turner Williams asked about the status of the proposed well.

Ms. Wilkes responded that the well is a two-part process and is permitted through DHEC. Ms. Wilkes continued that first the test well will be dug and water samples will be submitted as part of the second application process. Ms. Wilkes said that the second application process permits the well for drinking water and that the well has not been drilled at this point.

Donna Turner Williams asked about the status of the well permit.

Ms. Wilkes responded that they currently have the test well permit in hand. Ms. Wilkes stated that the next step is to schedule a well driller to come out.

Donna Turner Williams asked about the status of the DHEC permits.

Ms. Wilkes responded that as part of the original project submission, an application was filed with DHEC and was approved. Ms. Wilkes continued that the permit was contested at that time and to the best of her knowledge has since been reinstated.

Donna Turner Williams asked if the permit from DHEC has been reinstated.

Ms. Wilkes, responded the original permit was reinstated by staff decision, but there was an appeal filed with the South Carolina Court of Appeals. Ms. Wilkes said there was a valid permit, and they are awaiting the decision of the appeal.

Mr. Russell Rock, an attendee of the meeting, requested to speak on the matter.

Vice Chairman Toby McCall reminded the crowd that there was no public hearing for this project.

Donna Turner Williams inquired if there were additional permits or licenses that are required other than the well and septic tank permits from DHEC.

Ms. Wilkes responded they need a land disturbance or stormwater permit, and verification from the County., Ms. Wilkes stated that these permits were applied for in the summer of 2021.

Donna Turner Williams asked if the only difference between this version and the original site plan is the reduction in the number of RV spaces.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Ms. Wilkes noted that the differences between the two submissions included the reduction in the number of RV spaces and the water source.

Vice Chairman Toby McCall announced that DHEC controls the permits for septic and water and that it is not a Spartanburg County decision. Mr. McCall continued that the Planning Commission sets the acquisition of applicable SCDHEC permits as contingencies for approval.

Councilman Bob Walker requested to speak.

Vice Chairman Toby McCall explained to Councilman Walker that there is no public hearing for this project.

Mr. Walker stated that those in attendance have the right to speak and there should be a public hearing allowed at this meeting.. He continued that after the meeting adjourned, he would like the Commission to consider having a public hearing.

Sounds of agreement can be heard from the audience at this time.

Vice Chairman Toby McCall requested order. Mr. McCall addressed Councilman Walker and reminded him that the Commission had not recognized him to speak.

Vice Chairman Toby McCall continued that Spartanburg County Council can make decisions on any item on the Planning Commission agenda. Mr. McCall recommended that those in opposition speak with County Council and address any issues or concerns that they have.

Vice Chairman Toby McCall revisited the project, stating that staff recommends that the Planning Commission conditionally grant Site Plan approval for 49 RV spaces for T. Tree Farms RV Park contingent upon receiving approvals from Spartanburg County Public Works (Engineering, Stormwater, and Encroachment), SCDHEC (Permit to Construct a Production Well), and withdrawal of the previous application which received contingent approval in March of 2021.

Sounds of disagreement can be heard from the audience.

Vice Chairman Toby McCall requested order.

Sounds of disagreement can be heard from the audience as well as requests for a public hearing.

Vice Chairman Toby McCall requests order.

Donna Turner Williams requested clarification on the project approval process, noting that there could be some confusion on the process from those in attendance.

Sounds of disagreement can be heard from the audience.

Donna Turner Williams requests Vice Chairman Toby McCall for a Motion to Adjourn.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Sounds of disagreement can be heard from the audience.

Vice Chairman Toby McCall requests order.

Sounds of disagreement can be heard from the audience.

Vice Chairman Toby McCall asks Sheriff's Deputy T. McKelvy to please remove a member of the audience. Sheriff's Deputy T. McKelvy asks for clarification on who to remove.

Vice Chairman Toby McCall requests order. He continued to state that the Planning Commission and Staff must review projects and make decisions in accordance with current county ordinances. Vice Chairman McCall reiterated that the Commission understands the concerns of the surrounding community and have reviewed the documents and statements that have been sent to them. Vice Chairman McCall emphasized that the decisions made by the Commission are based on the compliance with current county ordinances.

Sounds of disagreement can be heard from the audience.

Vice Chairman Toby McCall requested a motion to table this item until the end of the meeting. Allen Newman made a motion to table T. Tree Farms to the end of the meeting. Parker Champion seconded the motion. The motion carried with a vote of 8 to 0.

b. Strickland Drive Apartments- Council District 6

Rachel Dill presented the following staff report, and requested that the record reflect in addition to the background information that the subject site is located in Zone D of the Spartanburg Memorial Downtown Airport and that staff had received a letter of compatibility via the CLUE Tool.

1. **Factual Dates**

a. Plats and Application received	12/30/2022
b. Planning Commission deadline date	02/14/2023
c. Planning Commission Meeting	03/07/2023

2. **Background Information**

JACE Enterprises, LLC, through its engineer, Matrix Civil Engineering, Inc, has submitted an application for a commercial use-to-apartment conversion project. The portion of the parcel that will contain the proposed apartment development is approximately 2.56 acres and is located on Strickland Drive in Roebuck, SC. The developer is proposing to convert 2 of the existing commercial buildings into apartments that will contain a total of 16 units, with a density of 6.25 units per acre. The third existing building is being proposed for storage. Common open space is not required for the proposed development as there are less than 25 units. The total building square footage for both apartment buildings will be approximately 10,020 sq. ft. The developer has proposed a Class 5C 8' masonry wall buffer

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

against all adjacent residential properties. The proposed development will have approximately 0.11 miles of new internal drives, which will be privately maintained.

3. Staff Recommendation

The Planning Staff recommends that the Planning Commission grant conditional Site Plan approval for Strickland Drive Apartments, contingent upon receiving approvals from Spartanburg County Public Works (Engineering, Stormwater, and Encroachment), Spartanburg County Planning & Development (submittal of a landscape plan, lighting plan, and submittal of an approved plat subdividing the subject parcels), Spartanburg County GIS and Addressing (road naming and addressing), WRWD (water), submittal of a Letter of No Hazard to Air Navigation from the FAA.

Mrs. Dill presented an aerial image of the site, a zoomed out aerial image of the site, the proposed site plan, and an image of the subject site looking from Strickland Drive.

Stewart Winslow asked if any plants will be added around the 8-foot masonry wall.

Rachel Dill stated that the buffer will just be the 8-foot masonry wall as shown on the site plan as there will be no space for greenery or other plants.

Donna Turner Williams asked about the buffer standards and the lack of vegetation.

Rachel Dill responded they are going with the option of the 8-foot masonry wall in order to meet the ordinance requirements and the lack of space for the more common vegetative buffer.

Bill Hamilton made a motion to grant conditional Site Plan approval for Strickland Drive Apartments, contingent upon receiving approvals from Spartanburg County Public Works (Engineering, Stormwater, and Encroachment), Spartanburg County Planning & Development (submittal of a landscape plan, lighting plan, and submittal of an approved plat subdividing the subject parcels), Spartanburg County GIS and Addressing (road naming and addressing), WRWD (water), submittal of a Letter of No Hazard to Air Navigation from the FAA. Parker Champion seconded the motion. The motion carried with a vote of 8 to 0.

c. Peachtree Village Phase 2- Council District 2

Rachel Dill presented the following staff report.

1. Factual Dates

a. Plats and Application received	02/14/2023
b. Planning Commission deadline date	02/14/2023
c. Planning Commission Meeting	03/07/2023

2. Background Information

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Crown Land Development, LLC, through its engineer, Gray Engineering, has submitted an application for an apartment development expansion project. The portion of the parcel that will contain the proposed apartment development expansion is approximately 18.43 acres and is located on Bible Church Road in Boiling Springs, SC. The developer is proposing 12 new buildings that will contain a total of 264 units, with a density of 14.3 units per acre. Common open space required for the proposed development at 15% of the 18.43 acres is approximately 2.76 acres and the developer is proposing 7.29 acres or approximately 39.6%. The total square footage for the buildings will be approximately 114,130 sq ft. The developer is proposing a 25' Class 4 buffer against the adjacent townhome development and a 50' Class 5 buffer against the proposed eastern property line and the southern property line. The proposed development will have approximately 0.63 miles of new internal drives, which will be privately maintained.

The proposed development will have interconnectivity to existing Peachtree Village Phase 1. Phase 1 is located on a 16.23 acre parcel with 12 buildings and contains 252 units. The total number of units for both phases would be 516 units with a density of 14.9 units per acre.

3. Staff Recommendation

The Planning Staff recommends that the Planning Commission grant conditional Site Plan approval for Peachtree Village Phase 2, contingent upon receiving approvals from Spartanburg County Public Works (Engineering and Stormwater), Spartanburg County Planning & Development (submittal of a landscape plan, lighting plan, and an approved plat subdividing and combining the subject parcels and parts thereof), Spartanburg County GIS and Addressing (road naming and addressing), and Spartanburg County Building Codes (fire hydrant locations).

Mrs. Dill presented an aerial image of the stie, a zoomed out aerial image of the site, the proposed site plan, and an image of the subject site looking from Peach Blossom Drive.

Donna Turner Williams asks where access will be located.

Rachel Dill responded that the access will be obtained from access drives in Phase 1 resulting in interconnectivity between the two phases.

Les Green made a motion to grant conditional Site Plan approval for Peachtree Village Phase 2, contingent upon receiving approvals from Spartanburg County Public Works (Engineering and Stormwater), Spartanburg County Planning & Development (submittal of a landscape plan, lighting plan, and an approved plat subdividing and combining the subject parcels and parts thereof), Spartanburg County GIS and Addressing (road naming and addressing), and Spartanburg County Building Codes (fire hydrant locations). Donna Turner Williams seconded the motion. The motion carried with a vote of 8 to 0.

d. Boiling Springs Multi-Family- Council District 2

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Ben Thomas presented the following staff report.

1. Factual Dates

a. Plats and Application received	02/14/2023
b. Planning Commission deadline date	02/14/2023
c. Planning Commission Meeting	03/07/2023

2. Background Information

Clayton Construction Company, Inc., through its engineer, Seamon Whiteside & Associates, Inc., has submitted an application for an apartment development project. The portions of the parcels that will contain the proposed apartment development is approximately 16.7 acres and is located on Highway 9 in Boiling Springs, SC. The developer is proposing 9 new buildings that will contain a total of 306 units, with a density of 18 units per acre. Common open space required for the proposed development at 15% of the 16.7 acres is approximately 2.5 acres and the developer is proposing 2.98 acres or 17.9%. The total square footage for all buildings will be approximately 127,540 sq. ft. The developer will provide a 25' Class 5 buffer against all adjacent single-family residential properties. The proposed development will have approximately 0.85 miles of new internal road, which will be privately maintained. This project previously received conditional site plan approval from the Planning Commission on 11/01/22. The new layout shows a reduction in the number of units, a reduction in density, establishment of an above ground detention pond, removal of access point to Costner Road and a new access point created to Valley Falls Road including slight changes to the internal road layout.

3. Staff Recommendation

The Planning Staff recommends that the Planning Commission grant conditional Site Plan approval for Boiling Springs Multi-Family, contingent upon receiving approvals from Spartanburg County Public Works (Engineering and Stormwater), Spartanburg County Planning & Development (submittal of a landscape plan, lighting plan, and submittal of an approved plat combining and subdividing the subject parcels), Spartanburg County GIS & Addressing (road naming and addressing), Spartanburg County Building Codes (fire hydrant locations), submittal of an Order from Master-in-Equity for closure of open right of way for Kenneth Drive, SCDOT (encroachment), and SSSD (sewer).

Ben Thomas presented an aerial image of the site, a zoomed out aerial image of the site, the proposed site plan, a street view image of the subject site looking from Boiling Springs Road, and a street view image of the subject site looking from Valley Falls Road.

Donna Turner Williams made a motion to grant conditional Site Plan approval for Boiling Springs Multi-Family, contingent upon receiving approvals from Spartanburg County Public Works (Engineering and Stormwater), Spartanburg County Planning & Development (submittal of a

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

landscape plan, lighting plan, and submittal of an approved plat combining and subdividing the subject parcels), Spartanburg County GIS & Addressing (road naming and addressing), Spartanburg County Building Codes (fire hydrant locations), submittal of an Order from Master-in-Equity for closure of open right of way for Kenneth Drive, SCDOT (encroachment), and SSSD (sewer). Allen Newman seconded the motion. The motion carried with a vote of 8 to 0.

e. Opal Grove Park- Council District 6

Ben Thomas presented the following staff report.

1. Factual Dates

a. Plats and Application received	01/19/2023
b. Planning Commission deadline date	02/14/2023
c. Planning Commission Meeting	03/07/2023

2. Background Information

Upward Lease, LLC, through its engineer, Gray Engineering, has submitted an application for a multi-family development project. The parcel that will contain the proposed apartments is approximately 25.43 acres and is located on Johnson Drive in Spartanburg, SC. The developer is proposing 34 new buildings that contain a total of 144 units, with a density of 5.66 units per acre. Common open space required for the proposed development at 15% of the 25.43 acres is approximately 3.81 acres, and the developer is proposing approximately 16.92 acres or approximately 67%. The total livable square footage for the buildings will be approximately 190,080 sq. ft. The developer will provide a 25' Class 4 buffer against all adjacent residential properties. The proposed development will have approximately 0.58 miles of new internal road, which will be privately maintained.

3. Staff Recommendation

The Planning Staff recommends that the Planning Commission grant conditional Site Plan approval for Opal Grove Park, contingent upon receiving approvals from Spartanburg County Public Works (Engineering, Encroachment, and Stormwater), Spartanburg County Planning & Development (landscape plan, lighting plan, and submittal of an approved plat subdividing the subject parcel), Spartanburg County GIS and Addressing (road naming and addressing), SSSD (Sewer), and SWS (Water).

Ben Thomas presented an aerial image of the site, a zoomed out aerial image of the site, the proposed site plan, and an image of the subject site looking from Johnson Drive.

Bill Hamilton asked if there was another access.

Ben Thomas responded yes, there is an emergency access point located further down the current parcel and that the emergency access will be maintained by the HOA or the property owners.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Donna Turner Williams made a motion to grant conditional Site Plan approval for Opal Grove Park, contingent upon receiving approvals from Spartanburg County Public Works (Engineering, Encroachment, and Stormwater), Spartanburg County Planning & Development (landscape plan, lighting plan, and submittal of an approved plat subdividing the subject parcel), Spartanburg County GIS and Addressing (road naming and addressing), SSSD (Sewer), and SWS (Water). Bill Hamilton seconded the motion. The motion carried with a vote of 8 to 0.

4. **Minor Summary Plats (Read in Only) * -** None

5. **Major Summary Plats (Read in Only)* –** None

6. **Preliminary Extension Request** – None

8. Subdivision Regulations

A. Minor Subdivisions (Read in Only) *

Rachel Dill requested that the following Minor Subdivisions be read into the record as approved:

1. Cooley Meadow- Council District 5
2. Deyoung Acres - Council District 5
3. Miller Time - Council District 5
4. Jonas Way - Council District 2

Doug Brackett made a motion to read into the record Cooley Meadow, Deyoung Acres, Miller Time, and Jonas Way as approved Minor Subdivisions. Les Green seconded the motion. The motion carried with a vote of 8 to 0.

B. Final Plats (Read in Only) *-

Rachel Dill requested that the following Final Plat be read into the record as approved:

a. Pleasant Falls Phase 1-Council District 6

Les Green made a motion to read into the record Pleasant Falls Phase 1 as an approved Final Plat. Allen Newman seconded the motion. The motion carried with a vote of 8 to 0.

9. Proposed Amendments & Action Items-

A. PZO Map Amendment for I-585/North Pine Street

Planning Director Joan Holliday presented the Commission a PZO Map Amendment recommendation. Ms. Holiday noted that the reason behind the request is due to some ambiguity on where the interstate road classification for I-585 and arterial road classification for North Pine Street should start and stop.

Ms. Holiday stated that staff would like to recommend that the end of the Interstate road

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

classification conclude at the beginning of the exit ramp, which is also the city limits, and the rest be North Pine Street, an Arterial.

Bill Hamilton made a motion to give favorable recommendation to County Council for the PZO Map Amendment for I-585 and North Pine Street. Les Green seconded the motion. The motion carried with a vote of 8 to 0.

Vice Chairman Toby McCall read Section 7 in The Spartanburg County Planning Commission Rules and Procedures. Mr. McCall recognized Mr. Russell Rock to speak on behalf of those present in opposition of T. Tree Farms for five minutes. Mr. McCall made it clear that Mr. Rock could not ask questions to staff or to the Commission.

Mr. Rock requested if others in opposition could also speak.

Vice Chairman Toby McCall responded no sir.

Vice Chairman Toby McCall reiterated that only Mr. Rock has been recognized to speak.

Councilman Walker announced that there would be a meeting held at the conclusion of the Planning Commission meeting for the rest of those in attendance to voice their concerns.

Mr. Russell Rock was sworn in. Mr. Rock said that his intention for speaking was to provide everyone with good information so that the Commission could make a well-reasoned decision. Mr. Rock continued to provide background regarding the septic permit, stating that the application for the septic permit was submitted in April of 2021 and issued in June of 2021. Mr. Rock said that the septic permit was rescinded and then appealed. Mr. Rock continued that the permit was reinstated based upon a procedural error. Mr. Rock made note that the DHEC board ruled that the permit was undersized. Mr. Rock referenced a road safety audit that was presented to the County Administrative Office. He expressed concerns that road safety had not been properly reviewed. Mr. Rock stated road safety is important to those in this community and the number of RV's that would be using the road could lead to additional danger on the existing road. Mr. Rock stated that there are many people in attendance that can speak on a variety of concerns that the community has about this project including, environmental concerns, the DHEC septic permit, and road safety.

Vice Chairman Toby McCall thanked Mr. Rock.

Vice Chairman Toby McCall made it known that he wanted to open the items back up for discussion to allow the Commissioners to ask questions of Staff and the engineer.

County Attorney John Harris explained to Vice Chairman McCall that a motion was required to remove that item from the table.

Donna Turner Williams made a motion to remove T. Tree Farms from the table. Bill Hamilton seconded the motion. The motion carried with a vote of 8 to 0.

10. Other Business

a. T. Tree Farms- Council District 2 – Major Site Plan

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Doug Brackett addressed Mr. Rock and recommended that the group in opposition appoint a spokesperson to express the thoughts of the group as a whole rather than each individual speaking out of turn. Mr. Brackett said that it was hard to get an understanding on the situation with everyone trying to speak at once. Mr. Brackett said that my recommendation for you is, this is from me personally and not as a Commissioner, is select a chairman/spokesperson to speak for you and discuss it in a civil manner and no one is trying to overpower you and everybody possibly be friends when you leave.

Vice Chairman Toby McCall clarified that SCDHEC controls the approval of septic tank and well permits.

Vice Chairman Toby McCall questioned Staff, on if a valid SCDHEC permit has been submitted? Vice Chairman Toby McCall continued that staff has received a septic permit but a permit to operate the well not been submitted.

Donna Turner Williams asked, what communication SCDHEC has with County Staff during the SCDHEC review process and if SCDHEC communicates directly or through written approvals.

Leigh MacDonald responded her communication with SCDHEC has been in regards to the test well permits and in relation to getting their production well permits. Leigh MacDonald stated that she has not communicated with SCDHEC in regards to the septic permit, but that staff was provided a copy of the permit to construct the would be septic tank from the developer.

Donna Turner Williams wanted confirmation that site development would not occur until all permits have been received

Leigh MacDonald confirmed and stated that the developer does not have an approved site plan and will not begin the construction until all contingencies set forth by the Commission have been met.

Donna Turner Williams asked, a tentative time frame for SCDHEC approvals.

Leigh MacDonald responded that staff would not be able to speak on behalf of SCDHEC.

Donna Turner Williams asked if staff has received anything from Spartanburg County Public Works regarding the mentioned traffic impact study

Development Coordinator Richie Smith said county staff had received the traffic study. Donna Turner Williams asked Mr. Smith if he would share his professional opinion on the results of the traffic study?

Development Coordinator Richie Smith said, the opinion of the professional who completed the study stated there was no impact caused by the proposed project.

Sounds of disagreement can be heard from the audience.

Vice Chairman Toby McCall reminded the audience there was not a public hearing for this item.

Richie Smith stated that the County requested that the traffic impact study be completed by a

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

licensed professional engineer in transportation and their results showed no impact.

Sounds of disagreement can be heard from the audience with one person saying the roads were maintained by SCDOT. Vice Chairman Toby McCall informed the audience they were not recognized to speak.

Richie Smith responded Landrum Mill is a County Road.

Bill Hamilton questioned if all of Landrum Mill Road was a county maintained road.

Richie Smith responded that Landrum Mill Road was county maintained at least to the point of access for the site.

Vice Chairman Toby McCall asked if a portion of the road was State maintained.

Richie Smith responded, he believed so.

Sounds of disagreement can be heard from the audience.

Bill Hamilton made a motion to grant conditional Site Plan approval for 49 RV spaces for T. Tree Farms RV Park contingent upon receiving approvals from Spartanburg County Public Works (Engineering, Stormwater, and Encroachment), SCDHEC (Permit to Construct a Production Well), and withdrawal of the previous application which received contingent approval in March of 2021. Doug Brackett seconded the motion. The motion carried based on majority approval with a vote of 6 to 2 With Stewart Winslow and Alan Newman in opposition.

b. Monthly Subdivision and Land Use Report

11. Adjournment

There being no other business, Bill Hamilton made a motion to adjourn the meeting. Les Green seconded the motion. The motion carried with a vote of 8 to 0.

By: Douglas C. Brackett

Doug Brackett, Planning Commission Secretary
Prepared by: Planning and Development Department Staff

*** These items have been previously approved and recorded in the land records and require no action by the Planning Commission other than to be read into the minutes.**

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Spartanburg County
Planning and Development Department

MINUTES
Planning and Development Commission
COUNTY COUNCIL CHAMBERS
April 4, 2023

Members Present:	Whit Kennedy, Chairman Toby McCall, Vice Chairman Doug Brackett, Secretary Les Green Allen Newman Donna Turner Williams Stewart Winslow Bill Hamilton Parker Champion
Members Absent:	
Staff Present:	Leigh MacDonald, Current Planning Manager Ben Thomas, Planner IV Team Lead Jason Frady, Planner III Rachel Dill, Planner II Charity Reynolds, Development Coordinator I Azriel Gonzales, Engineering Coordinator Richie Smith, Development Coordinator John Harris, County Attorney

NOTICE: Pursuant to Section 30-4-80 of the S.C. Code of Laws, written notice of its regular meeting schedule was provided at the beginning of this calendar year via the County website. In addition, the Agenda for this Meeting was posted on the bulletin board at the entrance to the Administration Building as well as on the County's website and was emailed to all persons, organizations, and news media requesting notice.

1. Call to Order

Chairman Whit Kennedy called the meeting to order.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

2. Approval of Minutes

March 07, 2023, Meeting

Allen Newman requested a revision to the March Minutes on Page 19. He requested Les Green's name be removed and his name, Allen Newman, be inserted.

Doug Brackett requested a revision to the March Minutes on Page 29. He requested that the word "possibly" be inserted in front of friends.

Doug Brackett made a motion to approve the March minutes with requested revisions. Whit Kennedy seconded the motion. The motion carried with a vote of 9 to 0.

3. Public Hearing – None

4. Old Business – None

5. New Business – None

6. Discussion Items – None

7. Unified Land Management Ordinance (No. O-99-015)

A. Subdivisions

1. Major (Preliminary Plats) – None

2. Major Final Plats (Read in Only) *- None

3. Minor Summary Plats (Read in Only) * - None

4. Minor Private Road Developments (Read in Only) * - None

5. Minor Family Property (Read in Only) * - None

B. Land Development

1. Major (Preliminary Plats) * -

a. Ridge Pointe Townes - Council District 2

Rachel Dill presented the following Staff Report:

1. Factual Dates

a.	Plats and Application received	03/14/2023
b.	Planning Commission deadline date	03/14/2023
c.	Planning Commission Meeting	04/04/2023

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

2. Background Information

Stanley Martin Homes, through its engineer, Seamon Whiteside and Associates, Inc., has submitted an application for a townhome development project. The parcel that will contain the proposed townhome development is approximately 26.87 acres and is located on Clark Road in Inman, SC. The developer is proposing 13 new buildings that contain a total of 76 units, with a density of 2.83 units per acre. Common open space required for the proposed development at 10% of the 26.87 acres is approximately 2.69 acres, and the developer is proposing approximately 18.16 acres or approximately 68%. The total square footage for the buildings will be approximately 110,460 sq. ft with an average of 1,453 sq. ft. per unit. The developer is proposing a Type 2, 10-foot buffer against all adjacent properties. The proposed development will have approximately 0.26 miles of new internal roads, which will be publicly maintained.

3. Staff Recommendation

The Planning Staff recommends that the Planning Commission grant conditional Preliminary Plat approval for Ridge Pointe Townes, contingent upon receiving approvals from Spartanburg County Planning and Development (submittal of a landscape plan), Spartanburg County Public Works (Stormwater, Engineering, and Encroachment), Spartanburg County GIS and Addressing (road naming), ICWD (water) and SSSD (sewer).

Rachel Dill presented the board with an aerial image, a zoomed out aerial image of the site, the proposed preliminary plat, and a street view image looking from Clark Road.

Chairman Whit Kennedy asked if anyone had any questions for staff.

Bill Hamilton asked if a 10-foot buffer is all that is needed.

Rachel Dill responded that the buffer is based on density of the proposed use, and adjacent property uses. Rachel continued that if the adjacent uses were Agricultural and the residential dwelling is more than 100' from the property line a buffer is not required.

Chairman Whit Kennedy asked if anyone had any additional questions for staff.

Stewart Winslow asked if Clark Road was a County Road.

Rachel Dill confirmed that Clark Road and Spring Valley were both County maintained roads.

Chairman Whit Kennedy asked if anyone had any other questions for staff.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Parker Champion made a Motion that the Planning Commission grant conditional Preliminary Plat approval for Ridge Pointe Townes, contingent upon receiving approvals from Spartanburg County Planning and Development (submittal of a landscape plan), Spartanburg County Public Works (Stormwater, Engineering, and Encroachment), Spartanburg County GIS and Addressing (road naming), ICWD (water) and SSSD (sewer). Allen Newman seconded the motion. The motion carried with a vote of 9 to 0.

b. Ridge Pointe Heights - Council District 2

Rachel Dill presented the following Staff Report

1. **Factual Dates**

a. Plats and Application received	03/14/2023
b. Planning Commission deadline date	03/14/2023
c. Planning Commission Meeting	04/04/2023

2. **Background Information**

Stanley Martin Homes, through its engineer, Seamon Whiteside and Associates, Inc., has submitted an application for a townhome development project. The parcel that will contain the proposed townhome development is approximately 19.44 acres and is located on Clark Road in Inman, SC. The developer is proposing 12 new buildings that contain a total of 68 units, with a density of 3.49 units per acre. Common open space required for the proposed development at 10% of the 19.44 acres is approximately 1.94 acres, and the developer is proposing approximately 11.90 acres or approximately 61.2%. The total square footage for the buildings will be approximately 99,400 sq. ft with an average of 1,462 sq. ft. per unit. No buffering is required because the adjacent Agricultural Residential uses are located further than 100 feet from the property line. However, a Type 2 landscape buffer is being proposed against all adjacent properties. The proposed development will have approximately 0.23 miles of new internal roads, which will be publicly maintained.

3. **Staff Recommendation**

The Planning Staff recommends that the Planning Commission grant conditional Preliminary Plat approval for Ridge Pointe Heights, contingent upon receiving approvals from Spartanburg County Planning and Development (submittal of a landscape plan and an approved plat subdividing the subject parcel), Spartanburg County Public Works (Stormwater, Engineering, and Encroachment), Spartanburg County GIS and Addressing (road naming), ICWD (water) and SSSD (sewer).

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Rachel Dill presented the board with an aerial image, a zoomed out aerial image of the site, the proposed preliminary plat, and a street view image looking from Clark Road.

Chairman Whit Kennedy asked where the second access is located.
Rachel Dill stated that the second access point was just an emergency access and identified the area on the proposed preliminary plat.

Allen Newman asked about the sight distance, especially with the sharp curve.

Rachel Dill noted that the preliminary plat shows annotations along Clark Road that show proposed road realignment.

Chairman Whit Kennedy asked Richie Smith if they will be working on this.

Richie Smith confirmed that the County will be working to realign Clark Road.

Bill Hamilton made a Motion that the Planning Commission grant conditional Preliminary Plat approval for Ridge Pointe Heights, contingent upon receiving approvals from Spartanburg County Planning and Development (submittal of a landscape plan and an approved plat subdividing the subject parcel), Spartanburg County Public Works (Stormwater, Engineering, and Encroachment), Spartanburg County GIS and Addressing (road naming), ICWD (water) and SSSD (sewer). Allen Newman seconded the motion. The motion carried with a vote of 9 to 0.

c. Roxborough Park - Council District 1

Ben Thomas presented the following Staff Report

1. **Factual Dates**

a.	Plats and Application received	03/13/2023
b.	Planning Commission deadline date	03/14/2023
c.	Planning Commission Meeting	04/04/2023

2. **Background Information**

Upward Lease, LLC, through its engineer, Gray Engineering, has submitted an application for a townhome development project. The portion of the parcel that will contain the proposed townhome development is approximately 20.45 acres and is located on Whitestone Glendale Road in Spartanburg, SC. The developer is proposing 33 new buildings that will contain a total of 130 units, with a density of 6.36 units per acre. Common open space required for the proposed development at 10% of the 20.45 acres is approximately 2.05 acres, and the developer is proposing approximately 8.6 acres or approximately 42%. The total livable square footage for the buildings will be approximately 213,200 sq. ft with an average of 1,640 sq. ft. per unit. A Type 3, 15-foot buffer will be

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

provided against adjacent single family residential properties. The proposed development will have approximately 0.59 miles of new internal roads, which will be privately maintained.

3. Staff Recommendation

The Planning Staff recommends that the Planning Commission grant conditional Preliminary Plat approval for Roxborough Park, contingent upon receiving approvals from Spartanburg County Planning and Development (submittal of a landscape plan and an approved plat subdividing and combining the subject parcel or parts thereof), Spartanburg County Public Works (Stormwater, Engineering and Encroachment), SCDOT (encroachment permit application), and Spartanburg County GIS and Addressing (road naming).

Ben Thomas presented the board with an aerial image of the site, a zoomed out aerial image of the site, the proposed preliminary plat, and street view image looking from Whitestone Glendale Road and from Sunrise Road.

Bill Hamilton asked if there would be an entrance at Whitestone Glendale Road and Sunrise Road.

Ben Thomas confirmed there would be two entrances. Ben Thomas said one entrance would be located at Whitestone Glendale Road and the other would connect to Sunrise Road.

Stewart Winslow asked if Whitestone Glendale Road was a SCDOT maintained road.

Ben Thomas confirmed that Whitestone Glendale Road is an SCDOT road.

Parker Champion made a Motion that the Planning Commission grant conditional Preliminary Plat approval for Roxborough Park, contingent upon receiving approvals from Spartanburg County Planning and Development (submittal of a landscape plan and an approved plat subdividing and combining the subject parcel or parts thereof), Spartanburg County Public Works (Stormwater, Engineering and Encroachment), SCDOT (encroachment permit application), and Spartanburg County GIS and Addressing (road naming). Les Green seconded the motion. The motion carried with a vote of 9 to 0.

2. Major Final Plats (Read in Only) * - None

3. Major Site Plan –

a. Meadow Creek Housing Phase 1 – Council District 6

Ben Thomas presented the following staff report:

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

1. **Factual Dates**

a.	Plats and Application received	03/14/2023
b.	Planning Commission deadline date	03/14/2023
c.	Planning Commission Meeting	04/04/2023

2. **Background Information**

OS Hope Road, LLC, through its engineer, Seamon Whiteside and Associates, Inc, has submitted an application for an apartment development project. The parcel that will contain the proposed apartment development is approximately 27.39 acres and is located on Hope Road in Spartanburg, SC. The developer is proposing 24 buildings that will contain a total of 192 units, with a density of 7 units per acre. Common open space required at 15% of the 27.39 acres is 4.10 acres and the developer is proposing 9.5 acres or 35%. The total building square footage will be approximately 380,160 sq. ft. The developer has proposed a Type 4, 25' buffer against all adjacent residential properties and a Type 2 10' buffer around the amenity area. The proposed development will have approximately 0.79 miles of new internal drives, which will be privately maintained.

Meadow Creek Housing was previously granted conditional Site Plan approval by the Planning Commission on June 1, 2021. Differences between the two Site Plans included changes to the proposed internal drives and buildings layout due to the discovery of wetlands.

3. **Staff Recommendation**

The Planning Staff recommends that the Planning Commission grant conditional Site Plan approval for Meadow Creek Housing Phase 1, contingent upon receiving approvals from Spartanburg County Planning & Development (submittal of a landscape plan and a lighting plan), Spartanburg County Public Works (Engineering and Stormwater), SCDOT (submittal of an encroachment permit), Spartanburg County Building Codes (fire hydrant locations), Spartanburg County GIS and Addressing (road naming and addressing), SWS (water), and SSSD (sewer).

Ben Thomas presented the board with an aerial image of the site, a zoomed out aerial image of the site, the proposed Site Plan, and a street view image looking from Hope Road.

Vice Chairman Toby McCall asked if the developer plans on using a shared lift station for the sewer.

Paul Talbert, project engineer, stated that in order to receive approval from SSSD, there was a requirement that a shared lift station be constructed on the site. Paul

continued that the shared lift station would serve the first phase of Meadow Creek and any future development for the site.

Allen Newman made a motion that the Planning Commission grant conditional Site Plan approval for Meadow Creek Housing Phase 1, contingent upon receiving approvals from Spartanburg County Planning & Development (submittal of a landscape plan and a lighting plan), Spartanburg County Public Works (Engineering and Stormwater), SCDOT (submittal of an encroachment permit), Spartanburg County Building Codes (fire hydrant locations), Spartanburg County GIS and Addressing (road naming and addressing), SWS (water), and SSSD (sewer). Les Green seconded the motion. The motion carried with a vote of 9 to 0.

4. **Major Final Plats (Read in Only) * -** None

5. **Major Site Plan** – None

6. **Minor Summary Plats (Read in Only) * -** None

7. **Major Summary Plats (Read in Only)*** – None

8. **Preliminary Extension Request** – None

8. Subdivision Regulations

A. Minor Subdivisions (Read in Only) *

Ben Thomas requested that the following Minor Subdivisions be read into the record as approved:

a. Wilbur's Creek – Council District 4
b. Andriy Volyanyk – Council District 2
c. Eastland Holdings, LLC – Council District 3
d. Larry Price – Council District 3
e. Lyman Lodge Overlook – Council District 5
f. Snowbird Escape – Council District 5
g. Beverly Hills – Council District 1

Doug Brackett made a motion to read into the record Wilbur's Creek, Andriy Volyanyk, Eastland Holdings, LLC, Larry Price, Lyman Lodge Overlook, Snowbird Escape and Beverly Hills as approved Minor Subdivisions. Les Green seconded the motion. The motion carried with a vote of 9 to 0.

B. Final Plats (Read in Only) *-

Ben Thomas requested that the following Final Plat be read into the record as approved:

a. Estates at Babe Wood Phase 2 (With all roads classified as Residential Local

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Detached) – Council District 4

Allen Newman made a motion to read into the record Estates at Babe Wood Phase 2 (With all roads classified as Residential Local Detached) as an approved Final Plat. Parker Champion seconded the motion. The motion carried with a vote of 9 to 0.

9. **Proposed Amendments & Action Items-** None

10. **Other Business**

    a. Monthly Subdivision and Land Use Report

11. **Adjournment**

There being no other business, Bill Hamilton made a motion to adjourn the meeting. Les Green seconded the motion. The motion carried with a vote of 9 to 0.

By: Douglas C. Brackett

Doug Brackett, Planning Commission Secretary
Prepared by: Planning and Development Department Staff

*** These items have been previously approved and recorded in the land records and require no action by the Planning Commission other than to be read into the minutes.**

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Healthy People. Healthy Communities.

Board:
Mark R. Elam, Chairman
Seema Shrivastava-Patel, Vice-Chair
Charles M. Joye, II, P.E., Secretary
Jim P. Creel, Jr.
J.B. (Sonny) Kinney
Richard V. Lee, Jr.
Morris E. Brown, III, MD, FAAFP
Robert R. Morgan, Jr., MD, MBA

January 13, 2022

Via Electronic Mail and US Mail Certified 9214 8969 0099 9790 1420 8957 85
Russell Rock
Secretary
Email: russrock78@gmail.com
Golden Hills of Fairview Homeowners' Association, Inc.
255 Night Lark Lane
Campobello, SC 29322

Via Electronic Mail and US Mail Certified 9214 8969 0099 9790 1420 8958 60
Alexander G. Shissias, Esquire
Email: alex@shissiaslawfirm.com
The Shissias Law Firm
1727 Hampton Street
Columbia, SC 29201

Via Electronic Mail Delivery
Sara Martinez, Esquire
Email: martinsv@dhec.sc.gov
SCHEC – Office of General Counsel
2600 Bull Street
Columbia, SC 29201

RE: Docket No. 21-RFR-81, T. Tree Farms RV Park (Blue Sky Associates, LLC)

Dear Mr. Rock and Counsel of Record:

Please find enclosed the Final Agency Decision in the above referenced matter.

Very truly yours,

M. Denise Crawford
Clerk of the Board

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

FINAL AGENCY DECISION

Docket No. 21-RFR-81
T. Tree Farms RV Park (Blue Sky Associates, LLC)

This matter comes before the South Carolina Board of Health and Environmental Control ("Board") for final review pursuant to S.C. Code Ann. § 44-1-60. The Enclave at Fairview Homeowners' Association, Inc., Golden Hills of Fairview Homeowner's Association, Inc., Greenspace of Fairview, LLC, and North Pacolet Association, Inc. ("Requestors") filed a request for final review of the South Carolina Department of Health and Environmental Control ("DHEC" or "Department") staff decision to issue Permit to Construct Onsite Wastewater System, File No. 2021040112 ("Permit) to Blue Sky Associates, LLC ("Blue Sky") for the construction of an onsite wastewater system. On December 20, 2021, the Board conducted a Final Review Conference regarding the matter. After hearing presentations from the Department, Requestors, and Blue Sky, the Board overturns the staff decision for the reasons stated herein.

BACKGROUND

On April 23, 2021, the Department received the permit application for the construction of an onsite wastewater system to serve the T. Tree Farms RV Park located at 1970 Landrum Mill Road in Campobello, South Carolina in Spartanburg County ("Site"). The onsite wastewater system was designed to treat and dispose of a limited quantity of domestic wastewater discharged from 52 lots located at the Site.

After conducting its review, the Department determined that the permit application met all aspects of S.C. Code Ann. Regs. 61-56, *Onsite Wastewater Systems* ("R. 61-56") and issued the

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Permit on June 22, 2021. The Requestors filed a request for review of the staff decision on October 14, 2021.

DISCUSSION

Pursuant to S.C. Code 48-1-100(c), DHEC is the state agency with jurisdiction over septic tanks. As authorized by S.C. Code 44-1-140(11), the Department promulgated S.C. Code of Regs. 61-56 ("R 61-56") to ensure onsite wastewater systems are appropriately designed to treat and dispose of domestic wastewater through a combination of natural processes that ultimately result in effluent being transmitted through the soil, renovated, and ultimately discharged to groundwater. The Department's review of onsite wastewater system permit applications is conducted in accordance with the permitting requirements set forth in R.61-56.

Pursuant to R. 61-56, onsite wastewater systems must be sized according to estimated peak sewage flow, as set forth in Appendix R of the regulation. Appendix R sets the peak sewage flow rate standards for campgrounds with no laundry and full water/sewer at 120 gallons per unit per day, but allows for the peak flow rate for non-residential facilities to be increased or reduced when comparable peak water consumption data for similar establishments in similar locations vary from the requirement. When considering such data, at least twelve (12) consecutive months must be presented with the maximum month of consumption and the days of operation per month being utilized to arrive at the peak flow rate.

In its permit application, Blue Sky presented consumption data for a KOA campground in Traveler's Rest, South Carolina ("KOA Campground") and calculations of a peak flow rate of 50.19 gallons per unit per day for the maximum month of consumption over a 12 month period. The Board finds that the KOA Campground is not a similar establishment to the proposed T. Tree Farms RV Park. Therefore, the peak flow rate standard utilized in designing the onsite wastewater

system in the permit application cannot be supported by the peak flow rate data for the KOA Campground.

CONCLUSION

After reviewing the written materials submitted to the Board, including the Administrative Record, and considering all arguments and evidence presented, the Board overturns and rescinds the staff decision in this matter.

Seema Shrivastava-Patel, Vice-Chairwoman
Board of Health and Environmental Control
For the Board

January 13, 2021

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Notice of Right to Request Contested Case Hearing Before Administrative Law Court

S.C. Code Ann. § 44-1-60(F)(2) provides that within thirty days after the receipt of the Board's written final agency decision an applicant, permittee, licensee, or affected person desiring to contest the final agency decision may request a contested case hearing before the Administrative Law Court (ALC), in accordance with the Administrative Procedures Act. A request for a contested case hearing before the ALC must be filed in accordance with the Rules of the ALC, including payment of the ALC's filing fee, at the following address:

Clerk's Office
South Carolina Administrative Law Court
Edgar A. Brown Building
1205 Pendleton, St. Suite 224
Columbia, SC 29201

The ALC's Notice of Request for Contested Case Hearing form and the Rules of the ALC can be found at the ALC's website: http://www.scalc.net. If a party files a request for a contested case hearing with the ALC, the party must serve a copy of the request on DHEC and any other parties at the same time the request is filed with the ALC. A copy of the request for contested case hearing must be delivered or mailed to DHEC at the following address:

Denise Crawford
Clerk of Board
SC DHEC
2600 Bull Street
Columbia, SC 29201

The above information on filing a request for a contested case hearing before the Administrative Law Court is provide as a courtesy; parties before the ALC are responsible for complying with all applicable requirements of the Court.

Spartanburg County
Planning & Development Department

366 N. Church St., Suite 700, Spartanburg SC 29303 Phone: (864) 596-3570 Fax: (864) 596-3018

Major Land Development Application
(for use in ULMO planning area)

Type of Major Land Development: ☐ Condo ☐ Townhouse ☐ Apartments ☐ MH Park ☑ RV Park ☐ Commercial ☐ Industrial ☐ Conditional Uses

Proposed Project/ Development Name: T. Tree Farms Phase or Section: 1
(Approved by Planning staff)

Address: 1970 Landrum Mill Road Campobello, SC Tax Map(s) #: 1-09-00-020.03

Current Land Use/Activity: Single Family Residence Proposed Land Use/Activity: RV Park

Total Square Feet of Developed Acreage: 11.2 ac Total Square Feet of Buildings: _____

Number of Lots: _____ Number of Units: 52 Number of Buildings: _____ Building Height: _____

Total Acreage: 38.68 Miles of New Rd: _____ Maintenance: ☐ Public ☑ Private ☐ Both

Road Classification: *(choose one)* ☐ Arterial ☑ Collector ☐ Minor *(Partial Restriction Map) and (ULMO)*

Appearance Corridor: ☐ 1 ☐ 2 ☐ 3 ☑ N/A *(PZO Chapter 3- Appearance Corridor Protection) (Appearance Corridor Map)*

Water District Inman Campobello Water Sewer District N/A Fire District New Prospect Fire

☑ Septic or ☐ Sewer ☐ Wells *(DHEC forms must be taken directly to the health department and fees paid)*

Council District Two Census Tract _____ *(staff)*

Applicant: ☑ Owner ☐ Developer ☐ Engineer ☐ Surveyor ☐ Agent ☐ Person(s) Contracting for Sale

Owner: Blue Sky Associates, LLC Phone: 864 [illegible]-6484

Address: PO Box 5930 City: Spartanburg State: SC Zip: 29304

Email: kbbbic07@yahoo.com

Developer: _____ Phone: _____

Email: _____

Surveyor: _____ Phone _____

Email: _____

Engineer: Gray Engineering Consultants - Zach Johnson Phone: 864-297-3027

Email: zach@grayengineering.com

Contact Person/Agent: _____ Phone: _____

Email: _____

Pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act (Section 6-29-1145 of the South Carolina Code of Laws), is this tract or parcel restricted by any recorded covenant, restriction, easement, etc., that is contrary to, conflicts with or prohibits the (proposed) permitted activity? ☐ Yes ☑ No

I hereby authorize the staff of the Planning and Development Department to inspect the premises of the above-described property. I hereby certify and agree that I am authorized to make this application and that the above information is true and correct.

Kimberli Burnett 11/29/21

PRINTED NAME AND APPLICANT SIGNATURE **DATE**

ULMO Revised: 3/24/20 BB

Spartanburg County Planning & Development Department

Acting Agent Authorization Form

If you are the acting agent for the property owner, we need written documentation granting you the authority to do so. Please have the Property Owner fill out the following form.

Date: 1/20/2021

I, Blue Sky Associates, LLC, am the owner of property in Spartanburg County,

located at address 1970 LANDRUM MILL RD CAMPOBELLO, SC,

being part of Subdivision or Development Landrum Mill Rd RV Park,

Phase or Section 1 and having Tax Map # 1-09-00-020.03.

I hereby authorize:

Gray Engineering Consultants, Engineer, (Relationship)

_____, _____, (Relationship)

_____, _____, (Relationship)

_____, _____, (Relationship)

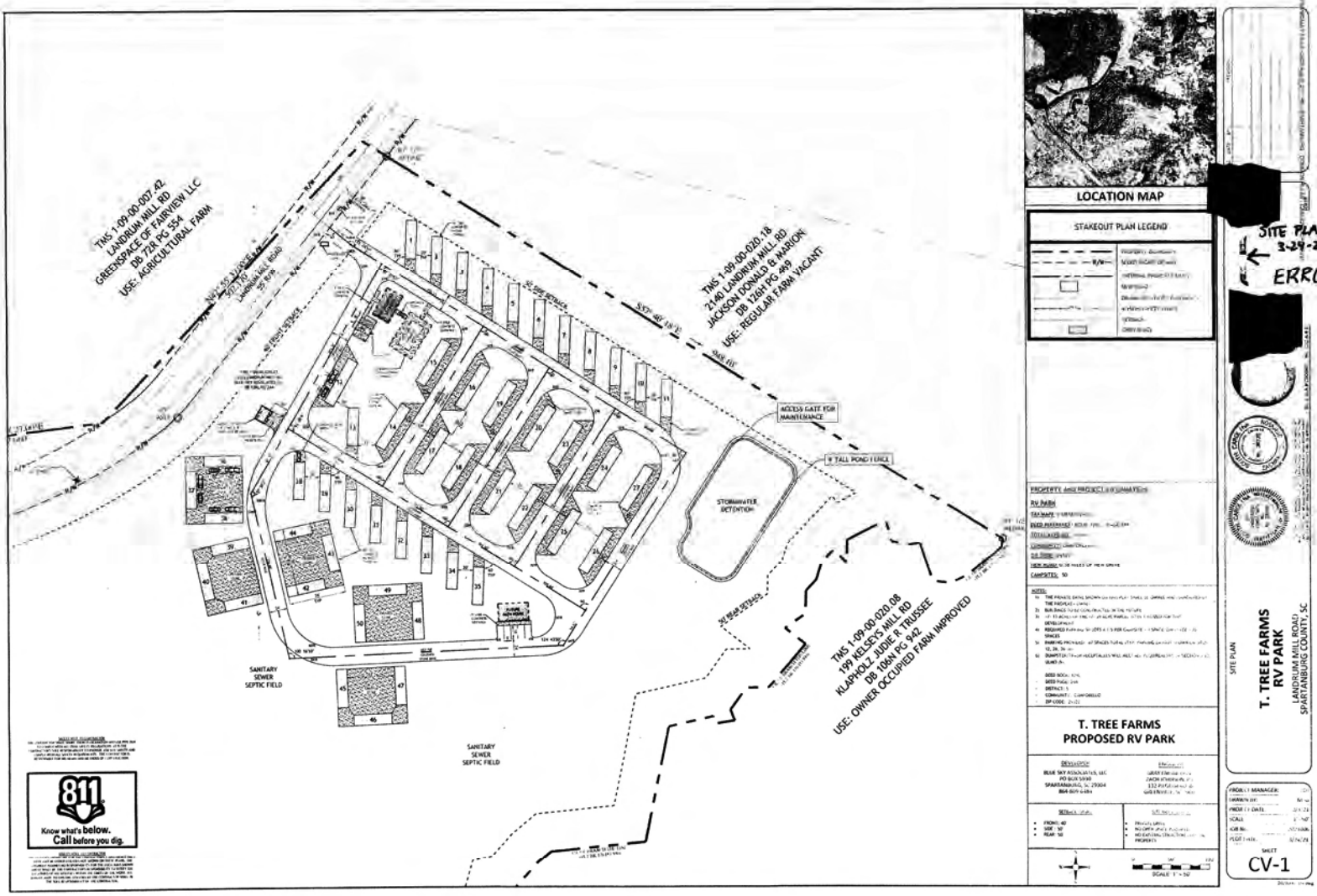
to act as my agent for the subdivision of the above mentioned property.

(Property Owner Signature)

Kimberli Burnett 864 444 8326
(Printed Name and Telephone Number)

Witness

Witness


TMS 1-09-00-007.42
LANDRUM MILL RD
GREENSPACE OF FAIRVIEW LLC
DB 72R PG 554
USE: AGRICULTURAL FARM
TMS 1-09-00-020.18
2140 LANDRUM MILL RD
JACKSON DONALD & MARION
DB 126H PG 459
USE: REGULAR FARM VACANT
ACCESS GATE FOR MAINTENANCE
6' TALL POND FENCE
STORMWATER DETENTION
SANITARY SEWER SEPTIC FIELD
SANITARY SEWER SEPTIC FIELD
TMS 1-09-00-020.08
199 KELSEY'S MILL RD
KLAPHOLZ JUDIE R TRUSSEE
DB 104N PG 942
USE: OWNER OCCUPIED FARM IMPROVED
LOCATION MAP
STAKEOUT PLAN LEGEND
T. TREE FARMS
PROPOSED RV PARK
T. TREE FARMS
RV PARK
LANDRUM MILL ROAD
SPARTANBURG COUNTY, SC
SITE PLAN
CV-1
Know what's below.
Call before you dig.
811

SOUTHERN ENVIRONMENTAL LAW CENTER

525 East Bay Street, Suite 200
Charleston, SC 29403

Telephone 843-720-5270
Facsimile 843-414-7039

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

October 28, 2021

South Carolina Board of Environmental Control
Attn: Clerk of the Board
2600 Bull Street
Columbia, SC 29201

Re: Request for Final Review and Rescission of Permit to Construct Onsite Wastewater System
Permit File Number: 42-2021040112

Dear Sir/Madam:

On behalf of the South Carolina Native Plant Society, Upstate Forever, and itself, the Southern Environmental Law Center submits this letter in support of the Request for Final Review and Rescission of Permit to Construct Onsite Wastewater System filed by Golden Hills of Fairview Homeowner's Association, Inc., Greenspace of Fairview, LLC, and North Pacolet Association, Inc.

This permit authorizes the construction of a septic system for an RV Park overlooking Goldmine Creek in Spartanburg County, South Carolina. This area and the watershed of this creek are the habitat for two of South Carolina's rarest plants, one of which is federally protected. The Creek itself is also a quality water resource that deserves special protection. We do not believe that the review and approval of this permit has considered the impacts on these plants and this watershed from the construction of this septic system on an incline overlooking the creek or has taken into account the possible location of the rare plants in the area of the proposed septic construction and the area downgradient where the waste flow and contaminants in the waste flow will migrate.

An environmental survey has located in the area of the proposed development and immediately downstream significant populations of Dwarf-Flowered Heartleaf, *Hexastylis naniflora*.[1] This plant is designated as a threatened species under the federal Endangered Species Act and has been designated by South Carolina' Department of Natural Resources as a Highest Priority Species.[2] A Department of Natural Resources Heritage Preserve, the Peters Creek Heritage Preserve, was established near the area of this development to protect populations of

[1] http://www.scwf.org/hexastylis.
[2] Chapter II: South Carolina Priority Species (sc.gov) at 2-9; https://www.fws.gov/asheville/htmls/listed_species/Dwarf_flowered_heartleaf.html.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

this rare plant.[3] This plant exists only in limited areas in Spartanburg, Greenville, and Cherokee Counties, and in some Piedmont counties in North Carolina.

As the U.S. Fish and Wildlife Service warns, "Dwarf-flowered heartleaf grows in acidic soils along bluffs and adjacent slopes, in boggy areas next to streams and creek heads, and along the slopes of nearby hillsides and ravines. . . . The greatest threat to dwarf-flowered heartleaf is conversion of habitat to agricultural, residential, commercial, and industrial uses." That is exactly the threat posed by this septic system and the development it supports.

In at least two instances for the Raintree Subdivision in Spartanburg County and the Boulder Creek Subdivision in Greenville County, before permits were issued for developments in the area where this plant is found, species surveys were required, and the developer was required to set aside and leave undisturbed the areas where this plant was found. See attached materials.

This plant is often found in damp forests along streams in this Piedmont region. Disturbance of the hydrology of the site, destruction of the forest cover, and earth movement with the resultant runoff and sedimentation can be expected to have adverse effects on populations of these rare plants.

Although the environmental survey did not have access to this development property itself, *Hexastylis naniflora* was found very near this development site and immediately downstream from it and throughout the watershed of Goldmine Creek. There is at least a significant possibility that there are also rare plants on the development site itself, downgradient of the septic system, and even where the septic construction and other construction on the site may occur.

Yet, to our knowledge, the Department and the developer have not taken this plant or its habitat into consideration in the permitting and development of this septic system or of the development as a whole.

The environmental survey of the site also located in the Goldmine Creek watershed Ashy Hydrangea (*Hydrangea cinerea*), also listed as a Plant of Concern by the Department of Natural Resources.[4] It also is dependent upon specific environmental conditions, including the forest cover.[5] Likewise, we are unaware that this plant, its possible presence on the development site, or its presence in the Goldmine Creek watershed have been taken into account in the planning or permitting for this development or its septic system.

In addition, Goldmine Creek is a first-order headwater tributary of the North Pacolet River. The environmental survey found that the water quality in the stream is excellent for the western Piedmont, that the creek ranked excellent in terms of its biological qualities, and that the creek hosts roach stoneflies (an indicator of good to excellent water quality). This watershed

---

[3] South Carolina Department of Natural Resources (sc.gov) – SCDNR Managed Lands, Peters Creek Heritage Preserve.

[4] Chapter II: South Carolina Priority Species (sc.gov) at 2-9.

[5] NameThatPlant.net: Hydrangea cinerea.

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

also includes a Piedmont Headwater Stream Forest and Piedmont Springhead Seep wetland communities. In sum, this waterway and its watershed require the most careful protection.

This is not a routine septic system permitting. This system and this development are proposed for an area of environmental sensitivity. The permitting should take place with careful consideration of the rare plant species, the creek's water quality, and this special watershed in mind. These plants are an important part of South Carolina's natural heritage, as concretely demonstrated by the nearby Peters Creek Heritage Preserve, as is this creek and the special characteristics of its watershed.

Nor can DHEC leave these concerns to the Department of Natural Resources. DNR is not a permitting agency. It has reviewed the science and has designated these plants as species of concern in South Carolina. *Hexastylis naniflora* has been designated a national threatened species. The natural resource agencies have done their job by identifying these plants as species of concern. It is now up to DHEC to take these species and their protection into account in reviewing permits and taking action on this particular permit, as DHEC has done before in Spartanburg and Greenville Counties.

We urge DHEC to undertake the requested review of this permit and specifically to require a survey for the rare plants on the site, to determine whether the septic permit is appropriate given its effects on rare species, their habitat, and the waterway, and, if a permit can be granted, to require special conditions to ensure that the proposed septic system and development do not adversely impact plants on the site, downgradient of the proposed septic field, and downstream of the site. This review should also ensure that this is an appropriate site for such a septic system in this sensitive watershed and ensure that, if a septic system is installed, there are in place protections tailored specifically for this site and this watershed to ensure that the operation of the system and the development do not harm the creek's water quality or the special features of this watershed.

Thank you for your consideration.

Sincerely,

Frank S. Holleman III
Senior Attorney

Cc: Russell Rock

Search 2 L

DEVELOPPER-0223-0325 (1970 LANDRUM MILL RD CAMPOBELLO, SC 29322)

- Summary
- Details
- Location
- Additional Info
- Workflow
- Linked Records
- Holds
- Contacts (2)
- Fees (1)
- Bonds
- Activities
- Files (8)
- Print Documents
- Conditions
- Tasks
- Internal Notes
- Inspection

Addresses

Main Address(Location)
1970 LANDRUM MILL RD
CAMPOBELLO, SC 29322

ADD MORE

Parcels

Main Parcel
1-09-00-020.03

ADD MORE

Features

No Features

SEARCH FEATURES

Zones

Main Zone Code/Name
ULMO • ULMO

Main Zone Description
ULMO

Other Zones

NEW PROSPECT FIRE • NEW PROSPECT FIRE

IC • INMAN CAMPOBELLO WATER

1S • SCHOOL DISTRICT 1

LANDRUM FIRE • LANDRUM FIRE

ADD MORE

Search

DEVELOPPER-0223-0325 (1970 LANDRUM MILL RD CAMPOBELLO, SC 29322)

- Summary
- Details
- Location
- Additional Info
- Workflow
- Linked Records
- Holds
- Contacts (2)
- Fees (1)
- Bonds
- Activities
- Files (8)
- Print Documents
- Conditions
- Tasks
- Internal Notes
- Inspection Cases
- Communication
- Review Team

GENERAL INFO | PROPERTY ATTRIBUTES | SPECIFICATIONS

This Application is for *
New Construction

Project Name *
T. Tree Farms

Proposed Activity *
Campground or RV Park

Type of Current Activity *
- ✓ Vacant
- ☐ Residential
- ☐ Industrial
- ☐ Commercial
- ☐ Office
- ☐ Institutional

Square Footage *
38409

Fees are calculated based on the square footage of buildings. Mining, Landfill, Race Track and other such uses for which the primary function is located outdoors shall be charged by the square footage of land utilized for the primary use.

If 'Group Assembly' activity (church, theaters, bowling alleys, etc.) or restaurant is planned, please indicate number of seats and/or participants.

Pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act (Section 6-29-1145 of the South Carolina Code of Laws), is this tract or parcel restricted by any recorded covenant, restriction, easement, etc., that is contrary to, conflicts with or prohibits the (proposed) permitted activity?

Water or Well? *
Well

If selected water above, list water provider.
ICW

Septic or Sewer? *
Septic

If selected sewer above, list sewer provider.

Number of Stories
0

Number of Units
49

Max Building Height

Hours of operation

Number of Spaces

# of Seats

No

00708

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Search

DEVELOPPER-0223-0325 (1970 LANDRUM MILL RD CAMPOBELLO, SC 29322)

- Summary
- Details
- Location
- Additional Info
- Workflow
- Linked Records
- Holds
- Contacts (2)
- Fees (1)
- Bonds
- Activities
- Files (8)
- Print Documents
- Conditions
- Tasks
- Internal Notes
- Inspection Cases
- Communication
- Review Team

GENERAL INFO | PROPERTY ATTRIBUTES | SPECIFICATIONS

Acres *
15.79

Census Tract
225

Proposed Open Space

Miles of New Road

County Council District
2

Maintenance of Existing Road *
County

Proposed Maintenance of New Road
Private

Appearance Corridor(s)

Zoning District(s)
ULMO

Road Classification
C

00709

ELECTRONICALLY FILED - 2023 Aug 01 1:24 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Search 2

DEVELOPPER-0223-0325 (1970 LANDRUM MILL RD CAMPOBELLO, SC 29322)

- Summary
- Details
- Location
- Additional Info
- Workflow
- Linked Records
- Holds
- Contacts (2)
- Fees (1)
- Bonds
- Activities
- Files (8)

Permit Type * Development Permit - ULM

Project T. Tree Farms

Application Date 02/07/2023

Work Class * Major Land Development

District * UNINCORPORATED

Issue Date

Status * In Review

Assigned To Leigh MacDonald

Expiration Date

Last Inspection Date

Finaled Date

Description

1-09-00-020.03 - RV Park project located on Landrum Mill Road. 49 campsites are

00710

Search 2 L

DEVELOPPER-0223-0325 (1970 LANDRUM MILL RD CAMPOBELLO, SC 29322)

- Summary
- Details
- Location
- Additional Info
- Workflow
- Linked Records
- Holds
- Contacts (2)
- Fees (1)
- Bonds
- Activities
- Files (8)
- Print Documents
- Conditions
- Tasks
- Internal Notes
- Inspection

FEES (1) DISCOUNTS ADJUSTMENTS VOIDS

Fees Due: $0.00

	Name	Input Value	Base Amount	Discount
☐	Major Land Development Site Plan	38409	$315.00	

INVOICE PAY NOW

MacDonald, Leigh

From: Waverly Wilkes <wwilkes@grayengineering.com>
Sent: Friday, February 17, 2023 9:12 AM
To: MacDonald, Leigh
Subject: Re: T. Tree Farms RV Park
Attachments: Comment Response Packet.pdf; Updated Preliminary Plat 2.16.22.pdf

Hey Leigh,

I hope you are doing well today and having a great Friday! I wanted to see how you wanted me to resubmit the revised plat and supporting documentation, it looks like I unable to resubmit through the portal without uploading the documents under the wrong file "types." I've attached the updated plat, comment response letter, and supporting documents as requested.

Of course if there is anything additional you need please let me know,

Waverly

Waverly Wilkes, P.E.
Senior Project Engineer || Gray Engineering
P: (864) 297-3027 Ext. 128
C: (864) 706-7268
E: wwilkes@grayengineering.com

132 Pilgrim Road
Greenville, SC 29607
www.grayengineering.com

------ Original Message ------
From: "MacDonald, Leigh" <lmacdonald@spartanburgcounty.org>
To: "Waverly Wilkes" <wwilkes@grayengineering.com>
Sent: 2/15/2023 1:54:10 PM
Subject: T. Tree Farms RV Park

Good afternoon, Waverly!

I have some questions related to the site plan submittal for T. Tree:

1. Can you please provide some additional information regarding the "Test Well"? Where is the location of the well intended for use to service the RV Park? Can you please upload a copy of the permit for this well?

00712

2. Please upload a copy of the permit for the septic system. Is the location of the shown Sanitary Sewer Septic Field approved by DHEC?
3. Please show the location of the underground tank and upload the Fire Protection Package.
4. Please label the sign as approximate entrance sign location and notate that a Sign Permit will be obtained from the Planning Department.
5. Can you please provide some additional details regarding how the business will operate without an office for now? Where will the business be running from?
6. Please provide square footages of office and pool.
7. Please provide height of building.
8. Plan references architectural plans for dumpster enclosure design. Can you please upload?
9. Please revise front setback to 65' from the centerline of the road.
10. Can you please tell me how many employees the business will have?
11. Please revise Note #3 to reflect new acreage of new parcel.
12. Please revise the district to District 2.
13. I keep counting only 81 spaces; however, the plan indicates 82 spaces are provided. Please advise.
14. Please advise how lighting is to be arranged for spaces that will be used at night. Lights should be shielded and lighting should be kept on own property.
15. Please provide 4 handicap spaces.
16. Please correct scale in both places. It seems to be 1"=60' to me.
17. Are these spaces to be self-contained? No space should be further than 150' from a drinking water supply or 300' from a comfort station.
18. Please clarify how Section 3.13 (9) is going to be met. No site shall be further than 300' from a central area; however, there is only one dumpster shown. 60 gallons per 5 sites shall be provided.
19. qPublic indicates parcel 1-09-00-020.08 to have an address of 195 rather than 199.
20. qPublic indicates parcel 1-09-00-007.42 to have an owner of Gregory W Hall.

Happy to discuss any of these items in further detail. Let me know if you have any questions. Have a great day!

Leigh MacDonald
Current Planning Manager
Spartanburg County Planning & Development
366 N. Church St., Suite 700
Spartanburg, SC 29303

Development/Zoning Applications begin here → CSS

Office: (864)-596-3463
Fax: (864)-596-3018
Website: spartanburgcounty.org

Virus-free.www.avast.com

Gray
Engineering

2/16/2023

Leigh MacDonald
Current Planning Manager
Spartanburg County Planning & Development
366 N. Church St., Suite 700
Spartanburg, SC 29303

Re: T. Tree Farms
Major Land Development
DEVELOPPER-0223-0325
GEC # 2021006

Good afternoon:

On behalf of the developer, we worked to address all comments provided by planning staff. Comment responses are in blue for clarity.

1. Can you please provide some additional information regarding the "Test Well"? Where is the location of the well intended for use to service the RV Park? Can you please upload a copy of the permit for this well? *The label has been updated for clarity and the well permit has been uploaded.*
2. Please upload a copy of the permit for the septic system. Is the location of the shown Sanitary Sewer Septic Field approved by DHEC? *Approved septic system plans and permit have been uploaded. Shown drain fields have already been approved by DHEC.*
3. Please show the location of the underground tank and upload the Fire Protection Package. *Fire protection plan has been uploaded and location of underground tank is shown.*
4. Please label the sign as approximate entrance sign location and notate that a Sign Permit will be obtained from the Planning Department. *Note updated at the entrance sign.*
5. Can you please provide some additional details regarding how the business will operate without an office for now? Where will the business be running from? *From the developer: The business will have one employee. This is what the industry calls the "work camper," or "camp host." That individual is parked in a spot with a full hookup. He or she receives the spot as part of their pay package, along with payroll. Their spot is clearly marked so that incoming units stop there and check in. They will be equipped with a laptop and golf cart. the laptop to check them in and take payments, and the golf cart to escort the unit to its assigned spot. I intend to be the camp host for the first 6 months. The actual office will be in place before 12 months pass from the time the C/O is issued.*
6. Please provide square footages of office and pool. *Future office building will be approximately +/- 400 sq.ft. and the future pool will be approximately +/- 800 sq.ft. maximum.*
7. Please provide height of building. *Max height of 15'.*
8. Plan references architectural plans for dumpster enclosure design. Can you please upload? *I've included the dumpster enclosure detail on the resubmitted preliminary plat.*

Gray Engineering Consultants, Inc.
132 Pilgrim Road Greenville, SC 29607
Office: (864) 297-3027
www.grayengineering.com

9. Please revise front setback to 65' from the centerline of the road. *Updated on revised plat.*
10. Can you please tell me how many employees the business will have? *One employee, further explained in comment response #5.*
11. Please revise Note #3 to reflect new acreage of new parcel. *I removed note 3 entirely to eliminate confusion.*
12. Please revise the district to District 2. *Updated on revised plat.*
13. I keep counting only 81 spaces; however, the plan indicates 82 spaces are provided. Please advise. *There are 19 – 60 degree sites that have one parking space. There are 30 sites that each have parking for 2 vehicles. Additionally, there are three spaces adjacent to the future office and another 4 spaces towards the south side of the property for a total of 86 spaces.* 4 ADA spaces are shown.
14. Please advise how lighting is to be arranged for spaces that will be used at night. Lights should be shielded and lighting should be kept on own property. *We added a note #7, "ANY LIGHTING ON THE PROPERTY SHALL BE ARRANGED IN A WAY AS TO NOT IMPACT NEIGHBORING PROPERTIES. LIGHTS SHOULD BE SHIELDED."*
15. Please provide 4 handicap spaces. *4 spaces are now provided and shown on the revised plat.*
16. Please correct scale in both places. It seems to be 1"=60' to me. *The site plan is at a 1" = 60' scale while the parking example are at a 1" = 30' scale.*
17. Are these spaces to be self-contained? *Yes.* No space should be further than 150' from a drinking water supply or 300' from a comfort station. *Every space has a water and sewer hookup provided.*
18. Please clarify how Section 3.13 (9) is going to be met. No site shall be further than 300' from a central area; however, there is only one dumpster shown. 60 gallons per 5 sites shall be provided. *An additional dumpster pad and smaller trash pad has been added. One dumpster alone can easily satisfy the volume requirement but the additional areas were needed to meet the distance regulation.*
19. qPublic indicates parcel 1-09-00-020.08 to have an address of 195 rather than 199. *Updated on revised plat.*
20. qPublic indicates parcel 1-09-00-007.42 to have an owner of Gregory W Hall. *Updated on revised plat.*

Should you have any questions or require any additional information, please call me at 297-3027.

Sincerely,

Waverly Wilkes

Waverly Wilkes
Senior Project Engineer
wwilkes@grayengineering.com

Gray Engineering Consultants, Inc. **Office: (864) 297-3027**

132 Pilgrim Road Greenville, SC 29607 **www.grayengineering.com**

Foster Engineering & Consulting, LLC
2711 Middleburg Drive, Suite 214
Columbia, SC 29204

May 31, 2022

Mr Brad Jolley
Spartanburg County
366 N. Church St.
Spartanburg, SC 29303

Re: T Tree Farms Recreational Vehicle Park – Required Fire Flow – Landrum Mill Road, Spartanburg, SC

Dear Mr. Jolley:

I appreciate your assistance throughout this process of determining the required fire flow for the T Tree Farms Recreational Vehicle (RV) Park. This letter is to document the agreed approach for providing the required fire flow for this site based on our discussions and Chief Caruso's input.

SCFC section 202 defines a Facility as a building or use in a fixed location including . . . and similar uses. This term includes *recreational vehicles*, . . . and storage lots.

The South Carolina Fire Code (SCFC) 507.1 requires an approved water supply capable of supplying the required fire flow to premises on which facilities, buildings, or parts of buildings are constructed or moved into the jurisdiction to meet the necessary fire flow determined by the fire code official. The fire official requested an engineer determine the required fire flow for this project.

I reviewed the National Fire Protection Association (NFPA) Research Foundation paper on Evaluation of Fire Flow Methodologies as you suggested. After reviewing the standard, I selected NFPA 1142 method of calculating the required fire flow. This standard is not adopted in South Carolina nor is it a referenced standard through the SCFC. NFPA 1142 is a recognized national standard for calculating required fire flow for in areas where there is no water or inadequate water for firefighting. Using the 2022 edition of MFPA 1142, I used the following inputs:

1) Occupancy hazard – 7 (dwelling)
2) Type of construction – 1.0 (NFPA 1142 – 6.2.2)
3) Structure dimensions (length, width, and height) – 45 ft x 9.5 x 10 ft = 4,275 ft^3 *
4) Exposures – 1.5 (another RV within 50 ft)

*I used the largest dimensions for an RV found on the https://campergrid.com/average-rv-length-width/. I also did not deduct for the volume under the vehicle.

SFPE Engineering A Fire Safe World FELLOW

AFSA American Fire Sprinkler Association

NFPA MEMBER 2022

Foster Engineering & Consulting, PLLC

T Tree Farms RV Park Required Fire Flow

The attached spreadsheet shows the calculated required fire water as 916 gallons. This number is modified by NFPA 1142 - 4.3.2 which requires the minimum water supply for a structure with exposures to be not less than 3,000 gallons. I considered adjacent RV as exposures. NFPA 1142 does not require a time duration for the fire water calculation. Enclosure #1 is a spreadsheet summarizing these calculations.

NFPA 1142 7.1 discusses approved water supply. Section 7.1.5 permits areas without municipal water supply have the minimum water supply in the designated area (the RV park) or transportable to the designated area. Section 7.1.6 permits non-pressurized water supply to be accessible by dry hydrants when approved by the Authority Having Jurisdiction (AHJ).

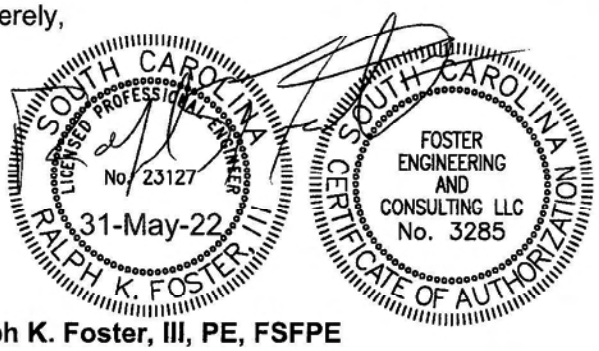
Our plan is to provide:

- A 3,000 gallon underground tank. The tank would be approximately 8 feet in diameter and 12.5 feet long. The tank will be covered with a minimum of 3 feet of earth.
- The installation will have an elevation pressure of 1-1.5 psi provided to the highest hydrant when the tank is full.
- We will provide a 5-inch Stortz Connection at a 30 degree angle for fire department use.
- There will be an all-weather roadway to provide access to the Stortz connection.

An example of this style tank is enclosure # 3. The water source must be accessible by Fire Apparatus Access Road (NFPA 1142 7.5 & SCFC 503).

Please let me know if you have questions or need additional information. Feel free to contact me at Work (803) 787-4757x105, Cell (803) 315-1549, or e-mail Ralph@FosterEngr.com.

Sincerely,



Ralph K. Foster, III, PE, FSFPE
Principal Fire Protection Engineer

Encl Site Plan CV-3
NFPA 1142 Spreadsheet
Fire Water Storage Tank

T Tree Farms RV Park
Required Fire Water Calculations

As of 3/22/2022

Enclosure # 2

NFPA 1142 Formula 4.3.1: $$WS = \frac{VS}{OHC}(CC) * 1.5$$

Building Foot Print **Length =** 45 **Width =** 9.5 **Sq. Ft. =** 428

Total Sq. Ft. = 428

Height for each floor **Ceiling Height =** 10 **Cu. Ft. =** 4,275

Take 1/2 of pitched roof ht **Attic Height =** 0 **Cu. Ft. =** -

Additional space: (porch, etc.) 0 Length × 0 Width × 0 Height **Cu. Ft. =** -

{VS} Total Cu. Ft. = 4,275

Total Cu. Ft. = 4,275 **OHC =** 7 **Gallons =** 611

Occupancy Hazard Classification number is 7 for dwellings {NFPA 1142 5.2.5.2 (5)}

Gallons = 611 **CC =** 1.0 **Gallons =** 611

Dwellings max 1.0 CC {NFPA 1142 6.2.2}

Gallons = 611 **Exp =** 1.5 **Gallons =** 916.07

Any structure within 50' of burn structure is considered an exposure and requires total gallons multiplied by 1.5. DO NOT add .5 for each additional exposures.

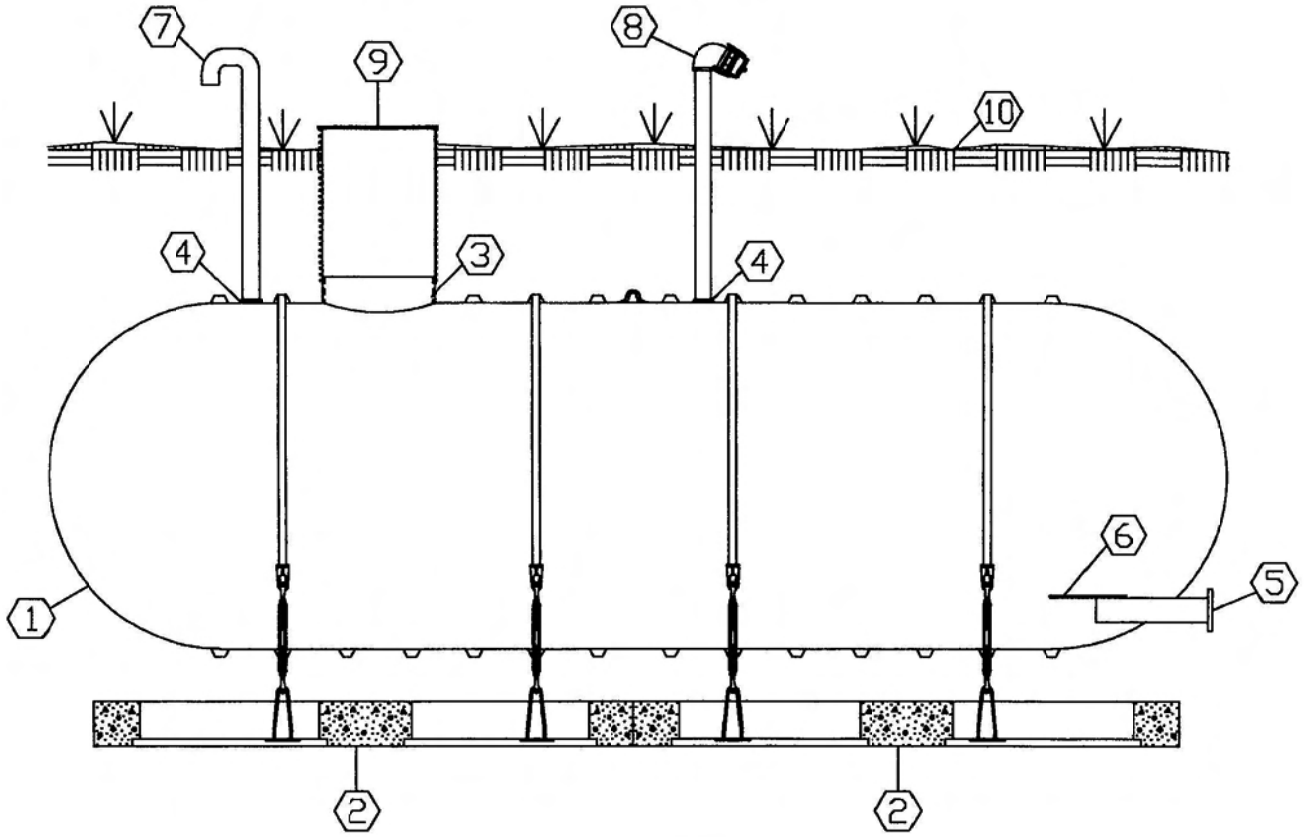
NFPA 1142 section 4.3.2 requires not less than 3,0000 gal for structures with exposures

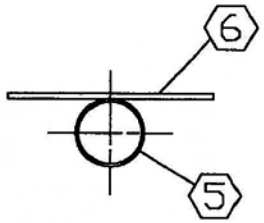
Total Gallons Required	GPM
Up to 2,499 Gallons	250 GPM
2,500 to 9,999 Gallons	**500 GPM**
10,000 to 19,999 Gallons	750 GPM
20,000 or more	1000 GPM

Total GPM for NFPA 1142 500

Gallons = 3,000 **at** 500 **GPM** 6.0 **Minutes**

Enclosure # 3





INTERNAL VIEW
(ENLARGED)

NO.	DESCRIPTION
1	SINGLE WALL FRP TANK
2	PRECAST DEADMAN SYSTEM W/ HOLD DOWN STRAP AND TURNBUCKLE ASSEMBLY
3	30" FRP OPENING
4	4" NPT SERVICE FITTING
5	6" HORIZONTAL DRAIN NOZZLE
6	FRP ANTI-VORTEX PLATE
7	4" VENT PIPE WITH GOOSENECK & BIRD SCREEN
8	5" STORZ CONNECTION TURNED DOWN 30 DEGREE, MINIMUM 18 IN. ABOVE GRADE
9	30" RIBBED PVC RISER W/ FRP LID
10	TANK FREEBOARD ELEVATION 977 FT PROVIDE 3 FT OF EARTH COVER OVER TOP OF TANK

FIRE WATER

FOSTER ENGINEERING &
CONSULTING, LLC
2711 MIDDLEBURG DRIVE SUITE 214
COLUMBIA, SC
(803) 787-4757

TITLE
FIRE WATER STORAGE
HORIZONTAL DRAIN
WITH ANTI-VORTEX PLATE

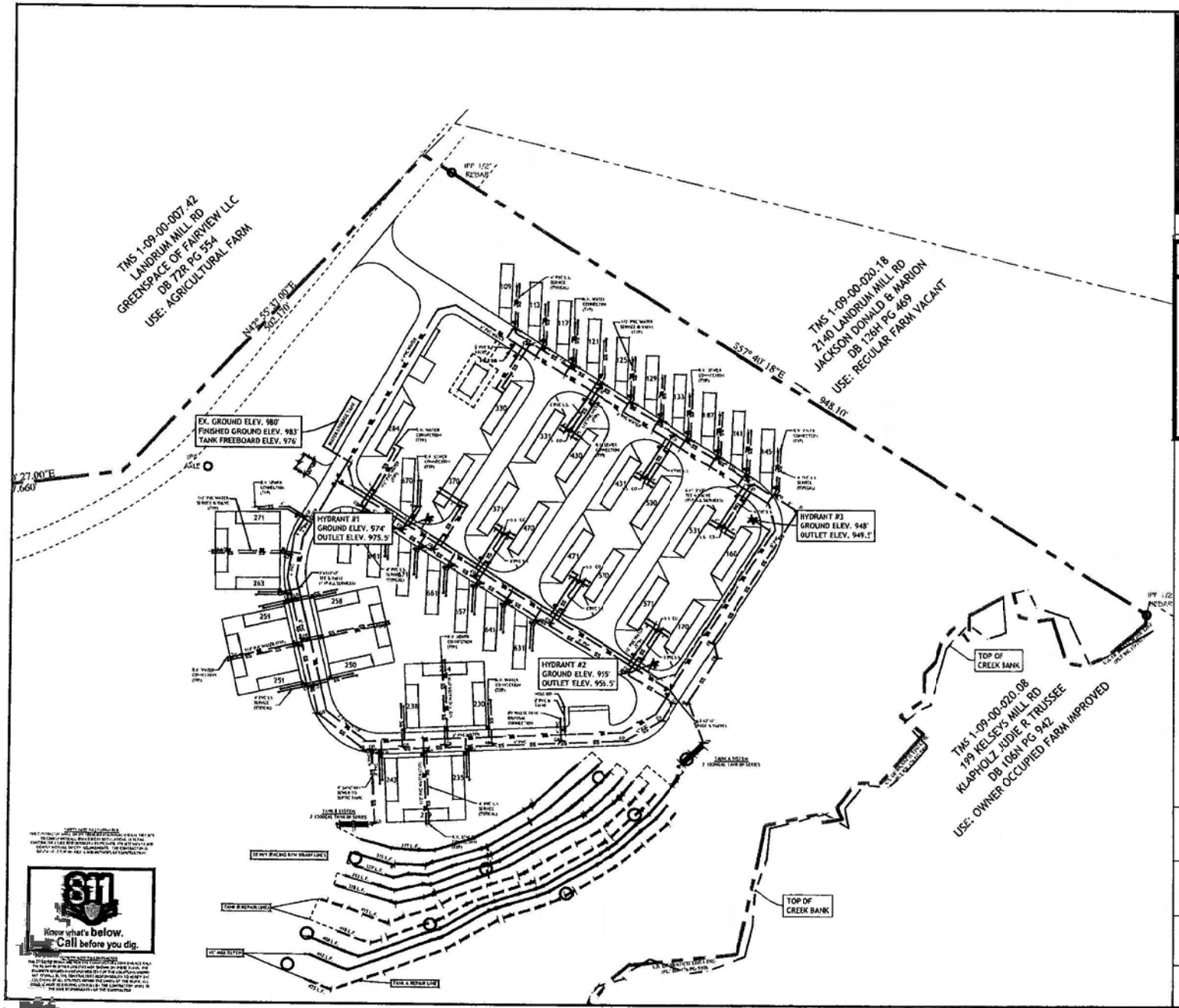
DATE 05/22

DR. NO. FP101

00719

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



LOCATION MAP

UTILITY PLAN LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- NEW ROAD/CURB & GUTTER
- DRAINAGE/UTILITY EASEMENTS
- EX ELEC — EXISTING OVERHEAD ELECTRIC
- EX GAS — EXISTING GAS
- OHP — OHP — EXISTING OVERHEAD POWER
- EXISTING STORM DRAINAGE
- PROPOSED STORM DRAINAGE
- W — W — W — PROPOSED WATERLINE
- SS — SS — EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- PROPOSED SANITARY SEWER SERVICE LINE

T. TREE FARMS PROPOSED RV PARK

DEVELOPER	ENGINEER
BLUE SKY ASSOCIATES, LLC PO BOX 5930 SPARTANBURG, SC 29304 #64-809-6484	GRAY ENGINEERING ZACH JOHNSON, P.E. 132 PILGRIM ROAD GREENVILLE, SC 29607

SETBACK CHART	SITE INFORMATION
• FRONT: 40' • SIDE: 15' • REAR: 30'	• PRIVATE DRIVE • NO OPEN SPACE REQUIRED • NO EXISTING STRUCTURES ON THE PROPERTY

0 50' 100'
SCALE: 1" = 50'

NO.	DATE	BY	REVISION

00720

Gray Engineering
132 PILGRIM ROAD GREENVILLE, SC 29607
PH: 864.609.6484 FAX: 864.609.6487
WWW.GRAYENGINEERING.COM
SC C.O.A.# 3317 - GA C.O.A.# PEO015843 - TN C.O.A.# 3815819

UTILITY PLAN

T. TREE FARMS RV PARK
LANDRUM MILL ROAD
SPARTANBURG COUNTY, SC

PROJECT MANAGER:	ZDJ
DRAWN BY:	MSG
PROJECT DATE:	2/3/21
SCALE:	1"=50'
JOB No.:	2021006
PLOT DATE:	4/18/22

SHEET
CV-3

2021006 - SP.dwg

Water Supply Construction Permit
Bureau of Water

S.C. Department of Health and Environmental Control

Permission is Hereby Granted To: **BLUE SKY ASSOCIATES LLC**
PO BOX 5930
SPARTANBURG SC 29301

for the construction of a groundwater system (test well) in accordance with the construction plans, specifications, design calculations and the SC DHEC Construction Permit Application signed by David W Odom, Registered Professional Engineer, S.C. Registration Number: 18038.

Project Name: **T TREE FARMS WELL WATER SYSTEM** **County:** Spartanburg
Location: I-26 W TOWARDS ASHEVILLE, LANDRUM MILL RD EXIT. TOP OF RAMP TURN RT AND GO 0.5 MILES. SITE IS ON THE RIGHT.

Project Description: Construction of a Type I test well with diameter of 6", approximate depth of between 50-100', and anticipated yield of 1/2 gpm.

Service By: The water will be provided by NEW (System Number: NEW)

Special Conditions

1. The materials used shall be lead free. EPA defines lead free as a weighted average of 0.25% lead calculated across the wetted surfaces of the pipe, pipe fitting, plumbing fitting, fixtures and 0.2% lead for solder and flux.
2. Prior to installation of the permanent pump, concrete pad, well head piping, storage tank and distribution system, the engineer shall submit for approval, a follow up permit application for this well. This submittal shall include 3 copies of a completed permit application, 3 copies of a completed well record (form enclosed), 24 hour pump test results, performance curves for the pump selected, design calculations, and 3 copies of construction plans and specifications for the installation of the pump, tank and distribution system.
3. This facility must submit monitoring results during the follow-up permit application for pH, Total Coliform, Nitrate, Alkalinity, Iron, Manganese and any other parameter the Department deems necessary. Also, if the test well is Type II or III gravel pack well, Turbidity and Sand content testing are required.

In accepting this permit, the owner agrees to the admission of properly authorized persons at all reasonable hours for the purpose of sampling and inspection.

This is a permit for construction only and does not constitute State Department of Health and Environmental Control approval, temporary or otherwise, to place the system in operation. An Approval to Place in Operation is required and can be obtained following the completion of construction by contacting the SPARTANBURG EQC OFFICE at 864-596-3800. Additional permits may be required prior to construction (e.g., stormwater).

Permit Number: 36080-WS
Date of Issue: August 12, 2022
Expiration Date: Construction must be completed prior to August 12, 2025 or this permit will expire.
JGC

Douglas B. Kinard, P.E., Director
Drinking Water and Recreational Waters
Protection Division

Spartanburg County Planning & Development Department

Acting Agent Authorization Form

If you are the acting agent for the property owner, we need written documentation granting you the authority to do so. Please have the Property Owner fill out the following form.

Date: 2/8/23

I, Blue Sky Associates, LLC, am the owner of property in Spartanburg County
(Name of Person or Entity Owning the Property – **MUST MATCH DEED**)

located at address 1970 Landrum Mill Rd Campobello SC 29322

and having Tax Map # 1-09-00-020.03.

I hereby authorize:

Gray Engineering Consultants, Engineer
(Relationship)

_____, _____,
(Relationship)

_____, _____,
(Relationship)

_____, _____,
(Relationship)

to act as my agent for the subdivision, permitting, and/or development of the above-mentioned property.

Attested:

Person or Entity Owning the Property
(MUST MATCH DEED): Blue Sky Associates LLC

By: _____ (Signature)

Kimberly Burnett (Printed Name)

Its: Managing Member (Title)

wanec

PERMIT TO CONSTRUCT
Onsite Wastewater System

File Nbr: 2021040112
County: Spartanburg

Name: T. Tree Farms RV Park (Blue Sky Associates LLC)

Type Facility: 52 Space RV Park
Subdivision:
Block: Lot:
TM#: 1-09-00-020.03

Address: PO Box 5930
Spartanburg, S.C. 29304

Site: 1970 Landrum Mill Rd.
Campabello, S.C.

Program Code: 360
System Code: 150
Water Supply: Public

PERMIT TO CONSTRUCT SYSTEM SPECIFICATIONS

Daily Flow (gpd): 3120 Tank Sizes (gal): Septic Tank: 5000 Pump Chamber: Grease Trap:

LTAR: .3 Trenches: Length (ft): 2600 Width (in): 36 Max. Depth (in): 45 Agg. Depth (in.):

Min. Pump Capacity: gpm at ft. of Head Alternative Product: 1203 EZ Flow

SPECIAL INSTRUCTIONS/CONDITIONS
(See Attached Page(s))

THIS PERMIT IS SITE SPECIFIC. ANY CHANGES TO THE SYSTEM MUST BE APPROVED BY DHEC. ANY UNAPPROVED CHANGES WILL VOID THIS PERMIT.

This Permit To Construct and Operate is issued pursuant to the SCDHEC Large and Community Onsite Wastewater Systems for Peak Flows greater than 1500 GPD.

Issuance of this Large Onsite Wastewater System Permit To Construct does not relinquish the property owner of responsibility in attaining any and all necessary approvals or permits required to develop this property.

PERMIT TO CONSTRUCT

See engineered system design and supporting documentation.

Grey Engineering
(Engineering Company)

Zachary D. Johnson
(Consulting Engineer)

SC 30735
(State and License Number)

Dennis J. DeFrancesco
(Soil Classifier)

SC 31
(State and License Number)

06/17/2021
(Plan Date)

2021006
(Project Number)

Any Permit To Construct and Operate that is issued pursuant to this Standard shall be based upon the consulting engineer's design, certification, and other supporting documentation.

Reviewed By: Brett Lee Date: June 22, 2021

DHEC 1781 (07/2014)

This Permit will Expire and Become Null and Void Five (5) Years from the Issuance Date.

This Permit is Appealable Under the Administrative Procedures Act. There may be an Additional Fee for Changes in this Permit that Require a Site Reevaluation.

Information collected on this form is subject to public scrutiny or release and the Freedom of Information Act.

EXHIBIT E (Page 1)

[redacted]

dhec	PERMIT TO CONSTRUCT Onsite Wastewater System	File Nbr: 2021 County: Spartanburg Page 2 of 2

SPECIAL INSTRUCTIONS/CONDITIONS

THIS PERMIT IS SITE SPECIFIC. ANY CHANGES TO THE SYSTEM MUST BE APPROVED BY DHEC. ANY UNAPPROVED CHANGES WILL VOID THIS PERMIT.

Special Instructions:

This individual sewage treatment and disposal system must be constructed in exact accordance with the Approved Plan prepared by Grey Engineering dated and stamped by Zachary D. Johnson P.E. June 17, 2021. Any deviations from this plan without prior approval from the Division voids this Permit.

This system was specifically designed to treat and dispose of a limited quantity of domestic wastewater discharged from T. Tree Farms 52 space RV Park.(Blue Sky Assoc.) with a peak sewage flow of 3,120 gallons per day total. No further additions of any type shall be permitted to discharge to this system.

Installer must make Brett Fowler (803) 667-1159 email address fowlerba@dhec.sc.gov aware of their intent to begin this project and provide a rough schedule of when work will take place.

Septic tank system installer must hold a valid DHEC septic tank installers license and be a EZ Flow certified installer

Consulting Engineer Must supervise construction of system to insure that it is installed in accordance regulation 61-56 and approved plan.

The Consulting Engineer will be responsible for providing an as-built plan prior to final approval of this project.

Garbage grinders shall not be allowed to discharge to this septic system.

Do not cut, fill, grade or in any way disturb the proposed tile field area.

Do not park or drive any vehicles on the tile field area.

Do not overlay tile field area with any impervious surfaces.

The area reserved for tile field repair/replacement must remain as is. Do not cut, fill, grade or in any way disturb the proposed tile field repair area.

It is the owner's responsibility to operate the system in such a manner that hydraulic overloads and unauthorized discharges do not occur.

Only domestic waste (toilets, hand washing, etc.) is allowed to enter into the OSWW system

EXHIBIT E (Page 2)

Blue Sky Associates
P.O. Box 5930
Spartanburg SC 29304

April 19, 2021

Gray Engineering
Attn: Waverly Wilkes
132 Pilgrim Road
Greenville SC 29607

Re: T. Tree Farms RV Park

Waverly,

There has been some question as to the materials and colors being used for the office building at T. Tree Farms.

My intention is to purchase a prefabricated log structure, finished on the inside with a restroom and a countertop installed. The structure will be 600 sf or less. For the roof material, I have two options, metal or shingles. I prefer black or gray metal - however, if at the time of purchase, I can't get one of those colors, I will have black 30 year architectural shingles installed.

The entire structure will be logs all the way around, and be installed at ground level for handicap access.

Please let me know if you may need anything else.

Thank you,

Kim Burnett - Member

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

Nov 15 2019 Business Name: BLUE SKY ASSOCIATES, LLC
REFERENCE ID: 431298

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

ture Page for a Secretary of State Business Filing

This page must be completed, scanned, and attached to any business filing where one of the following is true.

- The filing party signs the digital form on behalf of official signee.
- An attorney's signature is required. (Articles of Incorporation for Corporation and Benefit Corporation)

Official Signatures

(Officer, Incorporator, Director, Agent, Partner, etc)
Required for forms where the signee is not present upon online submission and a filing party is providing a digital signing on their behalf. If the provided space is not enough, please attach multiple pages.

William A. McDaniel
Name

Signature

11/13/19
Date

Organizer
Title / Position

Kimberly B. Burnett
Name

Signature

11/13/19
Date

Organizer
Title / Position

Name

Signature

Date

Title / Position

Name

Signature

Date

Title / Position

Name

Signature

Date

Title / Position

Scan and Upload this document to the Business Filing System during the filing process.
File must be PDF format.

South Carolina Secretary of State

Business Entities Online

File, Search, and Retrieve Documents Electronically

Blue Sky Associates, LLC

Corporate Information

Entity Id: 00998501

Entity Type: Limited Liability Company

Status: Good Standing

Domestic/Foreign: Domestic

Incorporated State: South Carolina

Important Dates

Effective Date: 11/15/2019

Expiration Date: N/A

Term End Date: 12/31/2070

Dissolved Date: N/A

Registered Agent

Agent: William A. McDaniel

Address: 446 Oak Grove Rd.
Spartanburg, South Carolina 29301

Official Documents On File

Filing Type	Filing Date
Articles of Organization	11/15/2019

For filing questions please contact us at **803-734-2158**

Copyright © 2023 State of South Carolina

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

Nov 15 2019

REFERENCE ID: 431298

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

Filing ID: 191115-1633177

Filing Date: 11/15/2019

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

ARTICLES OF ORGANIZATION
Limited Liability Company – Domestic

The undersigned delivers the following articles of organization to form a South Carolina limited liability company pursuant to S.C. Code of Laws Section 33-44-202 and Section 33-44-203.

1 The name of the limited liability company **(Company ending must be included in name*)**

Blue Sky Associates, LLC

***Note: The name of the limited liability company must contain one of the following endings: "limited liability company" or "limited company" or the abbreviation "L.L.C.", "LLC", "L.C.", "LC", or "Ltd. Co."**

2. The address of the initial designated office of the limited liability company in South Carolina is
446 Oak Grove Rd.

(Street Address)

Spartanburg, South Carolina 29301

(City, State, Zip Code)

3. The initial agent for service of process is

William A. McDaniel

(Name)

(Signature of Agent)

And the street address in South Carolina for this initial agent for service of process is:
446 Oak Grove Rd.

(Street Address)

Spartanburg (City) South Carolina 29301 (Zip Code)

4. List the name and address of each organizer. Only one organizer is required, but you may have more than one.

(a)
William A. McDaniel

(Name)

446 Oak Grove Rd.

(Street Address)

Spartanburg, South Carolina 29301

(City, State, Zip Code)

Form Revised by South Carolina Secretary of State, August 2016

SC Secretary of State
Mark Hammond

00728

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE
Nov 15 2019
REFERENCE ID: 431298

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

Blue Sky Associates, LLC

Name of Limited Liability Company

(b)
Kimberly B. Burnett
(Name)
446 Oak Grove Rd.
(Street Address)
Spartanburg, South Carolina 29301
(City, State, Zip Code)

5. [X] Check this box only if the company is to be a term company. If the company is a term company, provide the term specified. 12/31/2070

6. [X] Check this box only if management of the limited liability company is vested in a manager or managers. If this company is to be managed by managers, include the name and address of each initial manager.

(a)
William A. McDaniel
(Name)
446 Oak Grove Rd.
(Street Address)
Spartanburg, South Carolina 29301
(City, State, Zip Code)

(b)
Kimberly B. Burnett
(Name)
446 Oak Grove Rd.
(Street Address)
Spartanburg, South Carolina 29301
(City, State, Zip Code)

7. [ ] Check this box only if one or more of the members of the company are to be liable for its debts and obligations under Section 33-44-303(c). If one or more members are so liable, specify which members, and for which debts, obligations or liabilities such members are liable in their capacity as members. This provision is optional and does not have to be completed.

8 Unless a delayed effective date is specified, these articles will be effective when endorsed for filing by the Secretary of State. Specify any delayed effective date and time _____

Form Revised by South Carolina Secretary of State, August 2016

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

Nov 15 2019
REFERENCE ID: 431298

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

Blue Sky Associates, LLC

Name of Limited Liability Company

9. Any other provisions not consistent with law which the organizers determine to include, including any provisions that are required or are permitted to be set forth in the limited liability company operating agreement may be included on a separate attachment. Please make reference to this section if you include a separate attachment.

10. Each organizer listed under number 4 must sign.

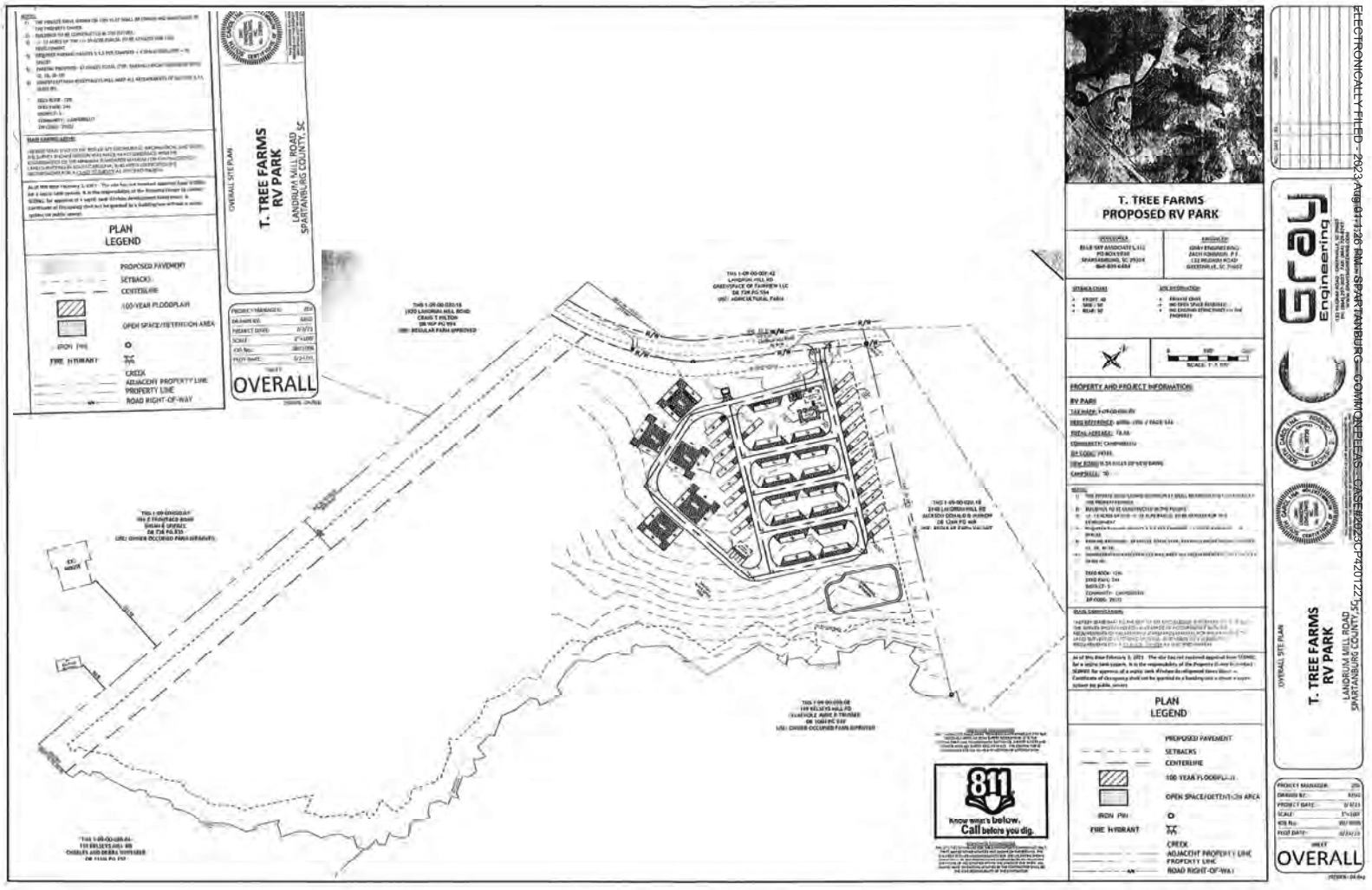
Signed as Filer: David C. Sereque
Signature of Organizer

Date: 11/15/2019

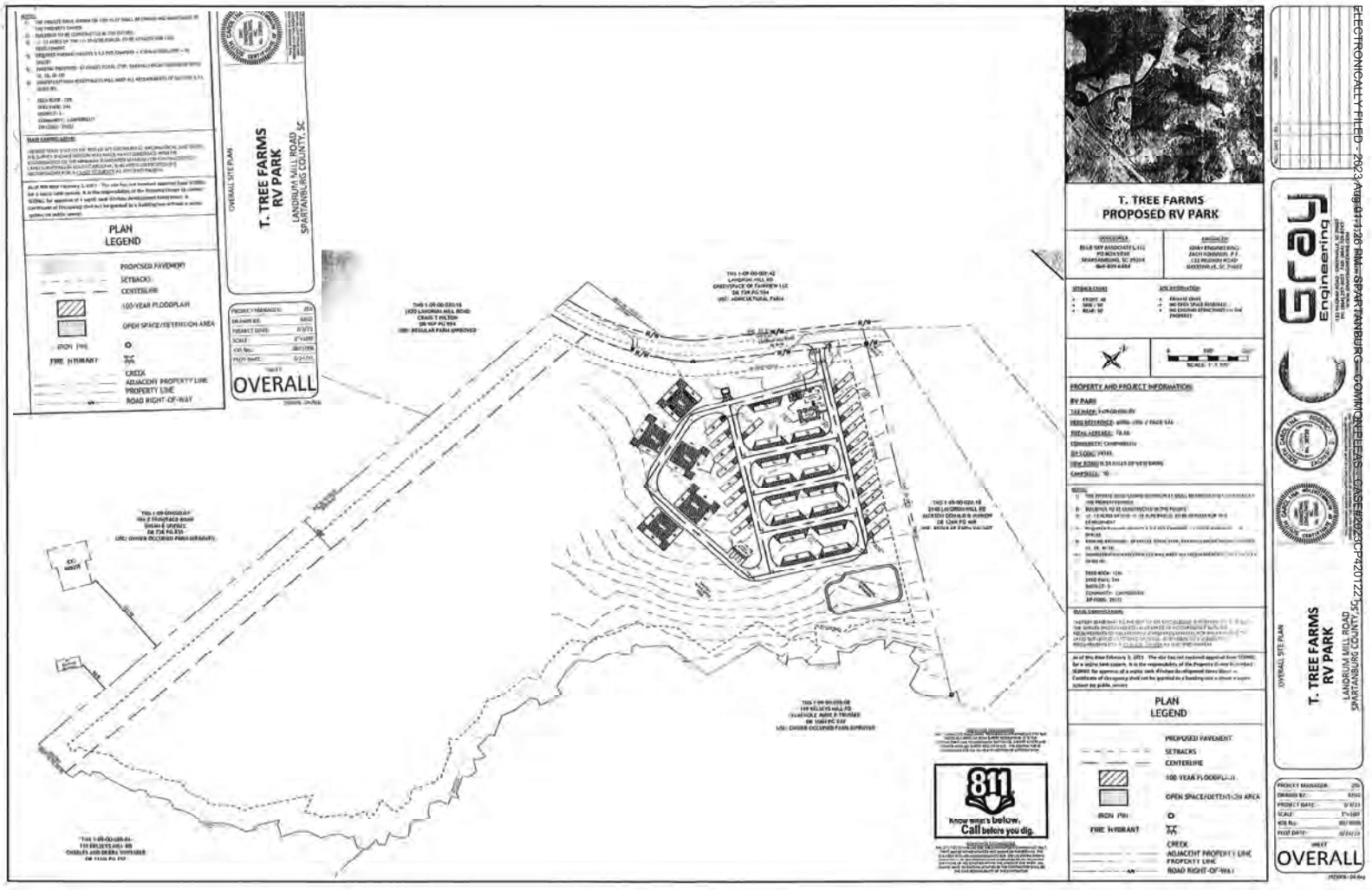
Signed as Filer: David C. Sereque
Signature of Organizer

Date: 11/15/2019

ELECTRONICALLY FILED - 2021-Aug-01 13:14:14 - SHANTANNE BRO - COMMON PLEAS - CASE#CV2021-08-01321



ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201227 - Page 1 of 1



ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201227 - 5 OF 7

APRIL 2021

Hey Brandy, FROM THE DEVELOPER TO COUNTY:

Thank you for the below. Does the county have any specific requirements for the comfort stations? Size or how many toilets required?

Happy Friday,

Waverly

Waverly Wilkes, P.E.
Project Engineer | Gray Engineering
m: 864.706.7268
p: 864.297.3027 ext. 128
e: wwilkes@grayengineering.com
132 Pilgrim Road
Greenville, SC 29607
www.grayengineering.com

FROM THE COUNTY TO THE DEVELOPER

------ Original Message ------
From: "Blake, Brandy" <bblake@spartanburgcounty.org>
To: "Waverly Wilkes" <wwilkes@grayengineering.com>; "Weathers, Darrell" <dweathers@spartanburgcounty.org>
Cc: "Holliday, Joan" <jholliday@spartanburgcounty.org>
Sent: 4/15/2021 12:48:34 PM
Subject: RE: Re[2]: t- tree

Hi Waverly. I just left you a few voicemails about this. See Section 3.13 in the ULMO (4) – the site must have a comfort station, a room or building with toilet and lavatory facilities for public use, at a minimum of 300 feet from every site location. If you remove this building we will not be able to approve the plan. Please consult your client and let me know as soon as you can.

Thank you.

Brandy Blake
Planner II
Spartanburg County
Planning and Development
864-598-7053
366 N. Church St, Suite 700
Spartanburg SC 29303

EMAIL #1 FROM COUNTY P & D TO DEVELOPER – RE COMFORT STATION REQUIRED

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

- What buffer's would be required in this case? I'm not sure what an RV park falls under, light commercial bordering agriculture with residence? The project is bordered by horse farms and wooded land. ***[Blake, Brandy]*** See Table 4, ULMO. The only parcel that you may need to buffer is 1-09-00-020.07 if the house is within 100 feet of the property line. All the other residences are far enough away but we are not sure what if the structure closest to the property line on this parcel is a residence. Please list any residences within 100ft of the property line on official plan submitted and the distance from that structure.

    - Following the buffer question and I could be missing this, existing trees and vegetation can be used if we are planning to disturbed the area that would be the buffer yard. ***[Blake, Brandy]*** If screening is required, we always encourage leaving undisturbed areas of trees and vegetation. That area must still meet the screening requirements found on Table 4. If there is a requirement for a buffer, contact Darrell Weathers, Landscape Administrator. He can assist you with this further.

- In order for them to obtain a CO in the end, will they need to have built and complete the office/bath houses? The owner is thinking that they will have the utilities to each parking spot completed and roads finished but the buildings will take a little longer. He's received a good amount of interest in the development from people and was hoping to open prior to those buildings being completed. ***[Blake, Brandy]*** I spoke with Leigh about this one. They will be required to complete these buildings prior to Planning's final sign off and approval of this project.

Thank you so much,

Waverly

Waverly Wilkes, E.I.T.
Project Engineer | Gray Engineering
m: 864.706.7268
p: 864.297.3027 ext. 128
e: wwilkes@grayengineering.com
132 Pilgrim Road
Greenville, SC 29607
www.grayengineering.com

------ Original Message ------
From: "Waverly Wilkes" <wwilkes@grayengineering.com>
To: "Blake, Brandy" <bblake@spartanburgcounty.org>
Sent: 1/20/2021 10:30:16 AM
Subject: Re[2]: Landrum RV Park

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

dhec
SC Department of Health and Environmental Control

42-20210401 12
Application #:

Onsite Wastewater System Application

Bureau of Environmental Health Services

I, Blue Sky Associates, LLC, PO Box 5930
(Name) (Mailing Address)

Spartanburg (City/Town) SC (State) 29304 (Zip Code) kbbbil07@yahoo.com (Email Address)

Phone No.: 864-809-6484 ☑ Mobile ☐ Home ☐ Work Alternate Phone No.: ☐ Mobile ☐ Home ☐ Work

hereby make application for a Permit to Construct an Individual Sewage Disposal System to serve a:

House: ☐ Mobile Home: ☐ Other (Specify): ☐ RV Park

If in subdivision, give name: _____, Lot #: _____

Property Address: 1970 Landrum Mill Rd Campobello City: _____

County: Spartanburg Tax Map/Property Identification #: 1-09-00-020.03

Check all that apply:

Public Water: ☑ **Well:** ☐ Public ☐ Private ☐ Existing ☐ Proposed **Public Sewer Accessible:** ☐

If residential establishment, answer following:

No. Bedrooms: _____ Basement: ☐ Full ☐ Partial ☐ None Plumbing in Basement: ☐

If commercial establishment, answer following:

Type of Business: RV Park Number of Occupants: ~~50~~ 52 As per P.E. Number of Employees: _____

Public Restrooms: 2 Number of Hours of Daily Operation: 24 Other: _____
(i.e., seating capacity, meals per day)

Lot Identification and Preparation

In order for your application to be processed, stake the corners of the proposed building and property corners with distinctive markers. In clear, sealed bags, place the site location card at the front of the property in a conspicuous location and place the septic location card at the proposed septic location. A legal description (plat, deed, surveyor site plan, etc.) with dimensions of the property must also be submitted with the application. Contact the regional EA office to activate your application when the lot has been staked, house site located, and lot posted. The lot should also be properly prepared by clearing all underbrush, thick vegetation, and any other features that may inhibit the site evaluation within a 150 ft radius of the proposed septic location.

Please give exact directions to lot: .4 miles NE of E Frontage Road on the Southern side of Landrum Mill Road.

I understand that the property must be properly prepared for evaluation and that I must confirm property preparation to activate the application. I also understand a reevaluation fee may be assessed if the above parameters for lot identification and preparation are not met. I certify to the best of my knowledge that the information submitted in this document is true and accurate. Permission and authority is hereby granted for DHEC representatives to enter the above-described property at reasonable hours for the purpose of onsite wastewater system inspection and/or site evaluation.

Property will be ready for activation/evaluation by DHEC on 4/23/21 (Date).

4/23/21 (Date) _____ (Applicant/Representative Signature)

Personal information provided on this form is subject to public scrutiny or release.

ELECTRONICALLY FILED - 2023 Aug 01 1:36 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Brown, Travis

From: Brown, Travis
Sent: Tuesday, July 13, 2021 4:42 PM
To: Harris, John
Cc: Alverson, Cole
Subject: ****Attorney Client Privileged****RE: 1970 Landrum Mill Rd

Thanks Cole.

In speaking with our folks the project is at a point where the engineer can submit 5 sets of final drawings. The only caveat is that there is a misrepresentation of the ROW along Landrum Mill Rd. that needs to be corrected as part of the final submission. The current drawings illustrate a 55' foot wide ROW along Landrum Mill Rd.. Since we only have prescriptive rights, we have asked the engineering (Waverly Wilkes with Gray Engineering) to correct the misrepresentation and/or have the owner properly dedicate the property. Our folks reached out to the engineer last week and it is our understanding that she was on vacation. To date we have not received a final submission.

In regards to the issuance of the grading permit there are several other items that should be addressed prior to the permit being issued. These are contingencies set forth by the Planning Commission and historically, a grading permit has not been issued until all of the contingencies have been addressed.

1. There are still outstanding issues and/or questions concerning architectural standards. This should be pretty straight forward but the decision needs to be made regarding whether a permanent building(s) will be constructed at the site.
2. The project still needs SCDHEC approval for septic services. I do know that this was specifically conveyed by Chairman Kennedy during the last Planning Commission meeting.
3. Correspondence from the local water service provider (Inman Campobello) stating that water is or will be available for the project. Final construction does not have to be complete but Planning Commission does require a statement that water services will be available.

If our department receives the noted 5 sets of final drawings there would not be any further items that are needed from Public Works. However, I do believe the above contingencies would need to be addressed before a formal grading permit would be issued. It is also my understanding that a formal appeal has been submitted to the Planning Department. I am not sure how and/or if that will have any bearing on the issuance of the grading permit.

Thanks and please let me know if there any questions.

Travis

From: Alverson, Cole
Sent: Tuesday, July 13, 2021 2:53 PM
To: Brown, Travis <twbrown@spartanburgcounty.org>
Subject: FW: 1970 Landrum Mill Rd

Travis,
See below and please advise on anything remaining on the permitting side when you are able. Thanks

-Cole

INTERNAL COUNTY EMAIL – RE "MISREPRESENTATION" ON 2021 SITE PLANS

J.M. TEAGUE
Engineering & Planning
— Est. 2010 —

1155 North Main Street
Waynesville, NC 28786
(P) 828.456.8383
(F) 828.456.8797
www.jmteagueengineering.com

JMTE WAYN 1182

TECHNICAL MEMORANDUM

AUGUST 3, 2021

To: Steve Wood
Homeowner's Association Contact
220 Night Lane
Campobello, SC 29322
swood@allegromc.om

From: David W. Hyder, P.E., Engineering Director *David W. Hyder*
J.M. Teague Engineering & Planning

SUBJECT: Landrum Mill Road Recreational Vehicle (RV) Park Proposal Access and Safety Audit (WAYN 1182)

JMTE was retained to perform a safety and access review for a proposed RV Park at 1970 Landrum Mill Road in Campobello, South Carolina. We understand that the proposed facility is situated on 38 acres of property adjacent to Landrum Mill Road in Spartanburg County, South Carolina.

Our review includes:

- ✓ A site visit and field reconnaissance of the area including driving the potential access roads,
- ✓ Evaluate the quality of access to the proposed RV Park from I-26 at Exit 5 and at Exit 1,
- ✓ Evaluating potential safety impacts of the proposed RV park on nearby roads,
- ✓ Identify current users and potential safety conflicts with new users of the access roads,
- ✓ Measuring the existing sight distance at key points,
- ✓ Measuring roadway widths and documenting conditions, and
- ✓ Developing an opinion of the effect on safety of adding Class A and B recreational vehicles to the traffic mix on roads in the area.

OPINION

The purpose of this review is to assess the potential impact of an RV facility that is proposed on Landrum Mill Road. *Based upon current roadway conditions we believe that siting an RV park at 1970 Landrum Mill Road adds additional danger to already dangerous roads. This opinion is based upon the potential*

for adding users unfamiliar with local conditions, including poor geometry and unanticipated hazards (e.g., bicyclists, runners, equestrians and large animals) to the user mix.

SITE VISIT

JMTE visited the site and its vicinity on July 23, 2021. The weather was fair with temperatures in the 80's and moderate humidity. Our observations and impressions during the day are documented in this section of the technical memorandum. The surrounding terrain is rolling (typical of upstate South Carolina) with exurban, and agricultural land-uses. The roadways considered are a mix of state-maintained and county-maintained roads. We observed light vehicle traffic and a bicycle paceline of 8-10 persons on Landrum Mill Road. We have also been informed that horseback riders ride along and across the area roads. Figure 1 and Figure 2 the show user mix in the area. We observed large wildlife (e.g., bear and deer) moving during daylight hours. We have been informed that the high school cross country team uses Turkoman Trail, Racetrack Road, Fairview Farms Road and other roads in the area for training purposes. Figure 3 shows a deer at the intersection of Fairview Farms Road and Racetrack Road.



Figure 1 Road User Mix



Figure 2 Bicyclists on East Frontage Road

There is no direct access between Landrum Mill Road and I-26. Figure 4 shows two potential routes from I-26 to the site. Patrons may exit I-26 at either Exit 1 (just south of the North Carolina state line) on to SC Highway 14 and then follow Fairview Farms Road to Racetrack Road to Turkoman Trail and then turn left onto Landrum Mill Road. This route, shown in orange, is approximately 2.31 miles long and includes steep (~5.6%) grades, blind curves and pavement drop-offs. The second route, shown in yellow on Figure 4 begins at Exit 5 on I-26 and follows East Frontage Road and turns right on Landrum Mill Road towards the site. This route is approximately 2.16 miles long.



Figure 3 Deer at Fairview Farms Road and Racetrack Road

The third roadway reviewed in our site visit was Fairwinds Roads. The GPS system might route a driver that has stopped for fuel or food at Exit 1 up Fairwinds Drive to Landrum Mill Road. Although the route is posted no trucks it appears to be a reasonable route until it crosses Page Creek where it narrows to a poorly maintained 16-foot cross section without shoulders. At this point the driver is committed to going forward. There is no place between Page Creek and Landrum Mill Road to turn a large vehicle and backing a vehicle with large blind spots would be difficult. According to the online STRAVA app the grade



DATE:	07/29/2021
SCALE:	N.T.S.
DRAWN:	P. STEPP, ET
CHECKED:	D. HYDER, PE
PROJECT No.:	WAYN 1182

PROJECT:

ACCESS SAFETY REVIEW

CAMPOBELLO, SC (SPARTANBURG COUNTY)

SHEET TITLE

FIGURE 4
ROUTES REVIEWED

J.M. TEAGUE
Engineering & Planning
1155 N. MAIN ST. WAYNESVILLE NC 28786
www.jmteagueengineering.com

ALL DRAWINGS AND DIGITAL FILES ARE THE PROPERTY OF J.M. TEAGUE ENGINEERING & PLANNING AND SHALL NOT BE MODIFIED, USED, OR REPRODUCED IN ANY WAY OTHER THAN AUTHORIZED IN WRITING.

leading from Page Creek towards Landrum Mill Road is approximately 8.3%. Vehicles going downgrade on this stretch need approximately 171 feet of sight distance.



Figure 5 Racetrack Road- Missing Guardrail

Most of the roadways on these two routes are functionally classified as Rural Local roads. Parts of East Frontage Road are functionally classified as a Rural Major Collector. The segment of Landrum Mill Road between East Frontage Road and the site is classified as Rural Minor Collector. While Functional Classification is not related to travel demand or roadway design it is related to road use which, in turn, has implications for design, construction, and maintenance. The purpose of most roads in the area is to provide property access with little emphasis on speed or safety features. The roads in the area were originally 'farm to market' roads and exhibit the design and construction compromises made in the twentieth century when the goal was to "get the farmers out of the mud." These compromises include narrow pavement and lanes (16 feet or 18 feet), narrow or missing shoulders (0 feet to 4 feet), sharp curves, missing guard rail (See Figure 5), steep grades, and low posted speeds (25 mph to 35 mph). Lanes and edge lines may not be marked.

RECREATIONAL VEHICLES

There are three classes of recreational vehicles plus travel trailers. Class A motor homes (the largest class) average 33'x9'x12'[i] and may weigh over 30,000 pounds. Class B motor homes average 20'x8.5'x8' and weigh less than 20,000 pounds. Class C motor homes average 28'x9'x10' and weigh less than 20,000 pounds. Class B and C motor homes can be operated with a Class C (standard driving license). Because of their weight, Class A motor homes have additional licensing requirements.

Introducing RVs into the existing vehicle mix presents the following safety challenges:

- Speed and size differential,
- Large blind spots,
- Visibility of other users,
- Uncertainty,
- Roll-over hazards (high center of gravity),
- Driver fatigue,
- Long stopping distance, and
- Large turn radii.

To sum this up, RVs are large, awkward vehicles driven by people unfamiliar with the area and its challenges.

[i] Length X width X height

SIGHT DISTANCES

Sight distance is an important feature when assessing safety. In this instance we identified and measured the sight distance at three locations:

- The Proposed Site Entrance onto Landrum Mill Road
- The intersection of Fairview Farms Road and Racetrack Road, and
- The intersection of Fairwinds Drive and Landrum Mill Road.

The sight distance was measured by having one person positioned at the likely driver's position (15' from the edge and 4' eye height) and having another person walk down the lane until they vanished from the driver's view and then measuring the line of sight back.

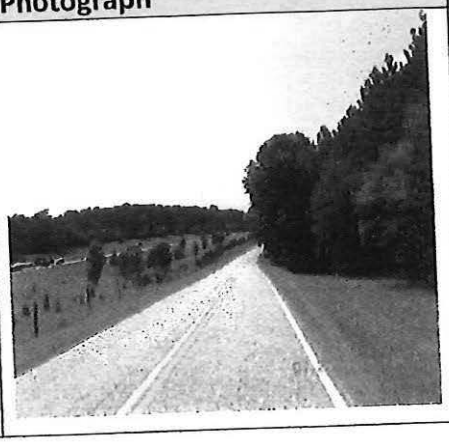
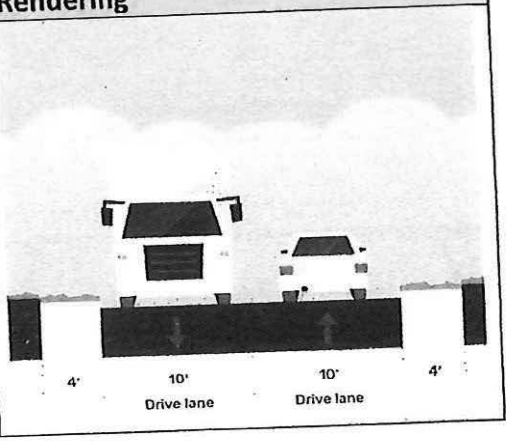
Table 1 compares the results of these measurements with the sight distance from Exhibit 3-1 of the *2004 AASHTO 'Green Book'* (A Policy on Geometric Design of Highways and Streets, 2004). Sketches of the measured sight distances are included at the end of this memorandum.

Table 1 Sight Distances and Stopping Sight Distances

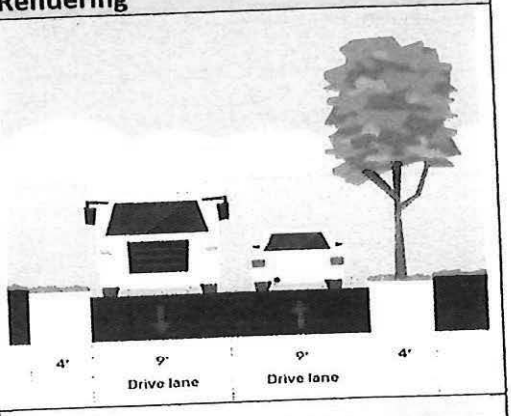
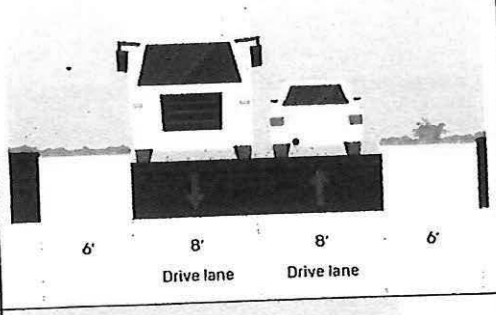
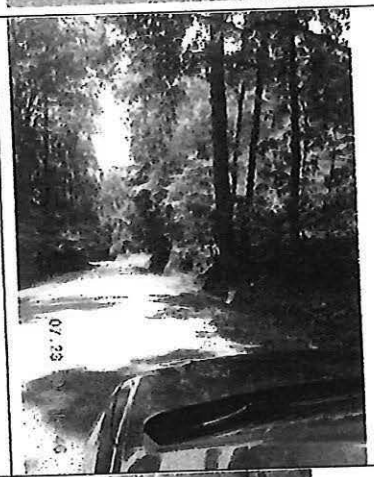
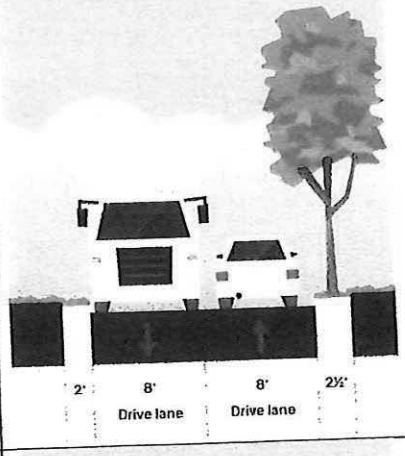
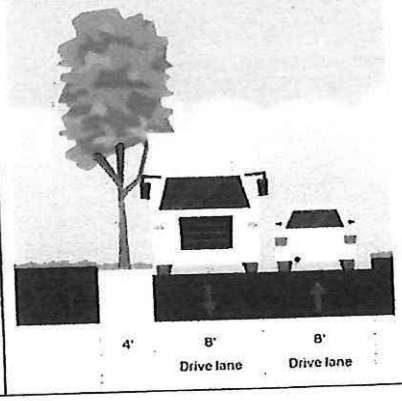
Intersection	Looking Left (ft)	Looking Right (ft)	AASHTO (ft)	Adequate (Yes/No)
Landrum Mill @Proposed Driveway (35 mph)	435	Not Measured[ii]	250	Yes
Landrum Mill @ Fairwinds Dr. (35 mph)	292	Not Measured	250	Yes
Fairview Farms & Racetrack Road (25 mph)	301	150	155	No

Table 2 below illustrates the condition of local roads that may be used by RVs. Each row of the table includes a description of the roadway, a photograph of a typical location on the road and a rendering showing how large vehicles and cars would fit on the road.

Table 2 Summary of Conditions

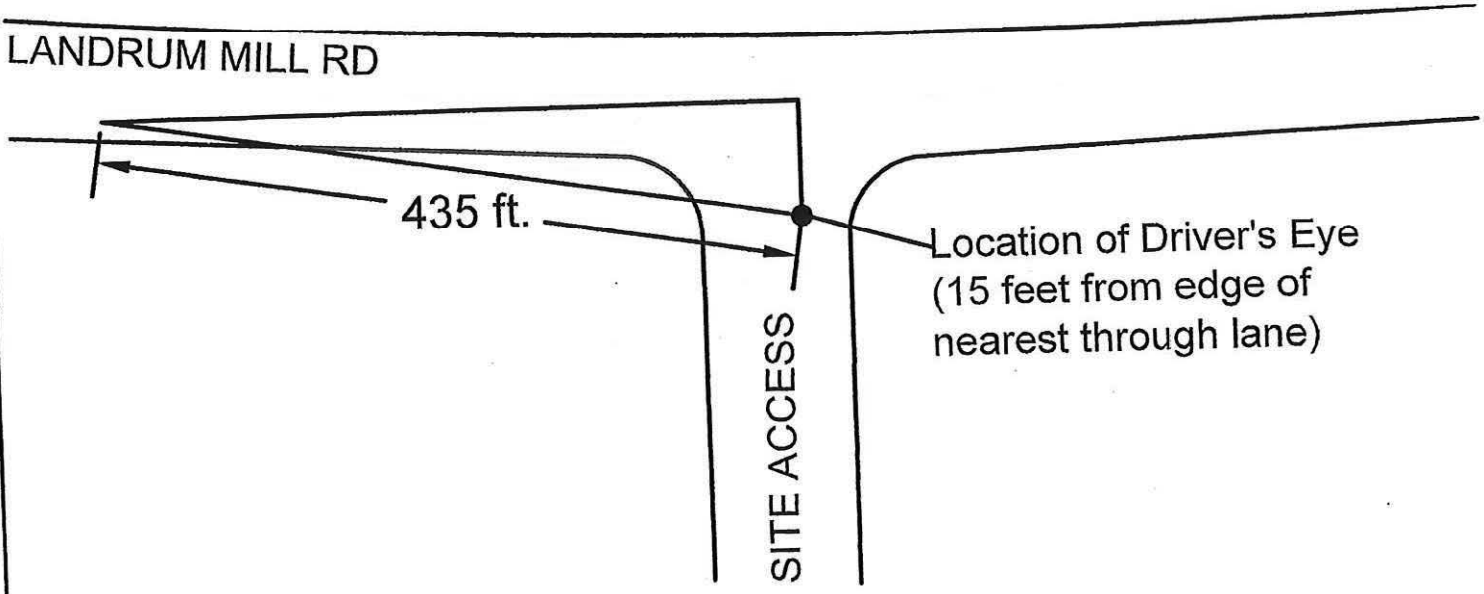
Description	Photograph	Rendering
East Frontage Road • Two 10-Foot Lanes and 4-6-foot-wide shoulders • Posted Speed Limit 35 mph • Well Maintained		

[ii] Visibly longer than sight distance in the other direction.

Description	Photograph	Rendering
Turkoman Trail (State Maintained- 0.3 mi) • 18 Feet of Pavement • 4 Feet of Shoulder • Posted Speed Limit 35 mph		
Turkoman Trail (County Maintained) • 16 Feet of Pavement • 4'-6' Shoulders • No Posted Speed Limit		
Racetrack Road (County Maintained) • 16 Feet of Pavement • 0'-4' Shoulders • No Posted Speed Limit (Posted as 25 mph at the intersection of Fairview Farms Road)		
Fairwinds Drive (County Maintained) • 16 feet of pavement • No Shoulders • Posted Speed Limit 25 mph		

CONCLUSION

The roads around Landrum Mill Road were originally intended to provide access to local property. To build these roads within budgetary constraints the builders compromised on design standards and ride quality. These roads are substandard when compared to AASHTO's Green Book. These roadways function largely because they serve users who are familiar with their quirks and surprises. The roads are poorly suited to large awkward vehicles driven by people who may be unfamiliar with the area and may be dividing their attention with wayfinding and driving a large vehicle on narrow roads. Making the proposed situation safe would require a substantial investment in construction, maintenance and safety funds.



THESE DRAWING AND ASSOCIATED .DWG FILES ARE THE PROPERTY OF J.M. TEAGUE ENGINEERING & PLANNING AND SHALL NOT BE MODIFIED, USED, OR REPRODUCED IN ANY WAY OTHER THAN AUTHORIZED IN WRITING.

DATE:	07/29/2021
SCALE:	N.T.S.
DRAWN:	P. STEPP, ET
CHECKED:	D. HYDER, PE
PROJECT No.:	WAYN 1182

PROJECT:

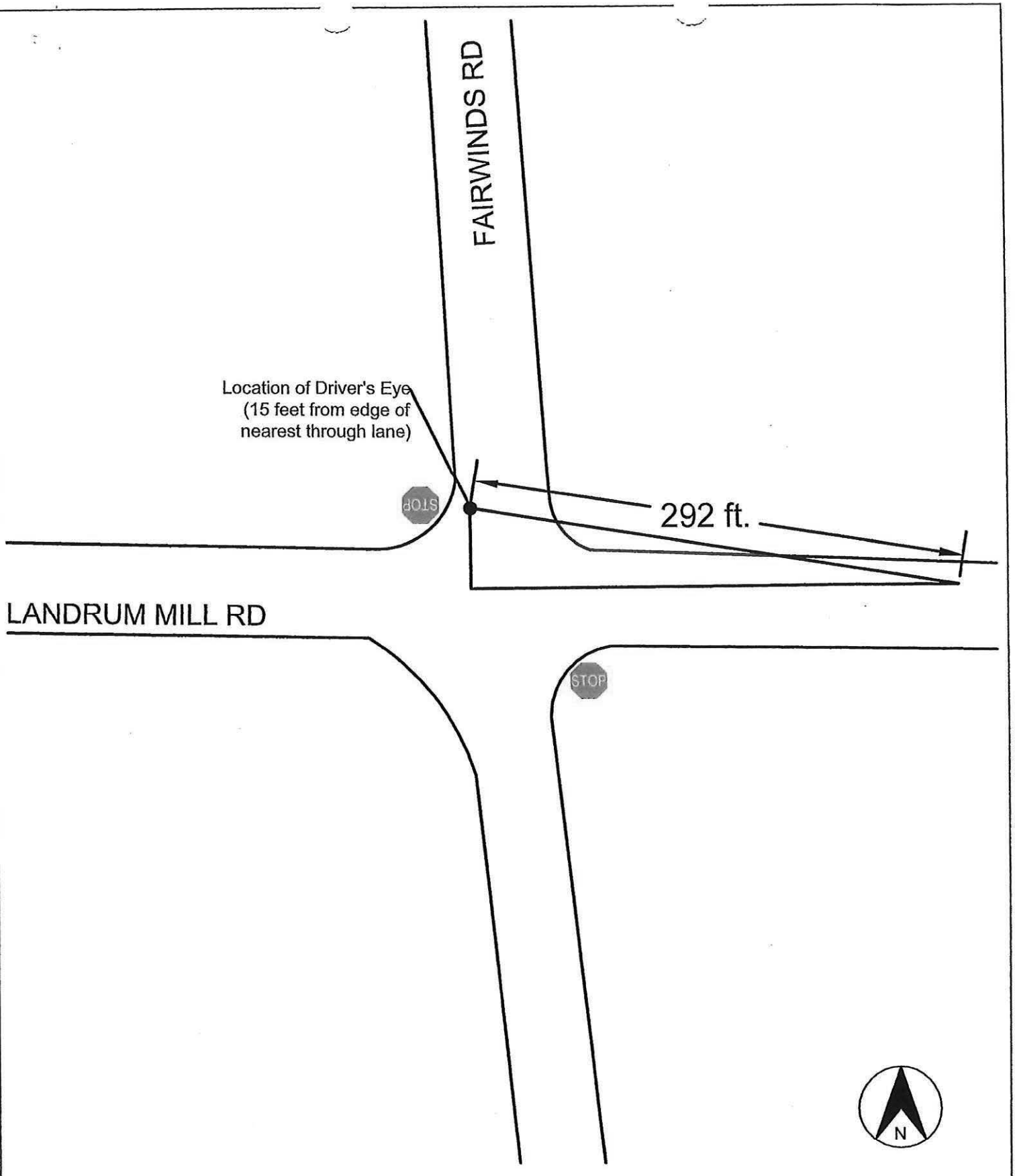
ACCESS SAFETY REVIEW

CAMPOBELLO, SC (SPARTANBURG COUNTY)

SHEET TITLE

INTERSECTION
SIGHT DISTANCE
AT LANDRUM MILL RD
AND SITE ACCESS

J.M. TEAGUE
Engineering & Planning
1155 N. MAIN ST. WAYNESVILLE NC 28786
www.jmteagueengineering.com



DATE:	07/29/2021
SCALE:	N.T.S.
DRAWN:	P. STEPP, ET
CHECKED:	D. HYDER, PE
PROJECT No.:	WAYN 1182

PROJECT:

ACCESS SAFETY REVIEW

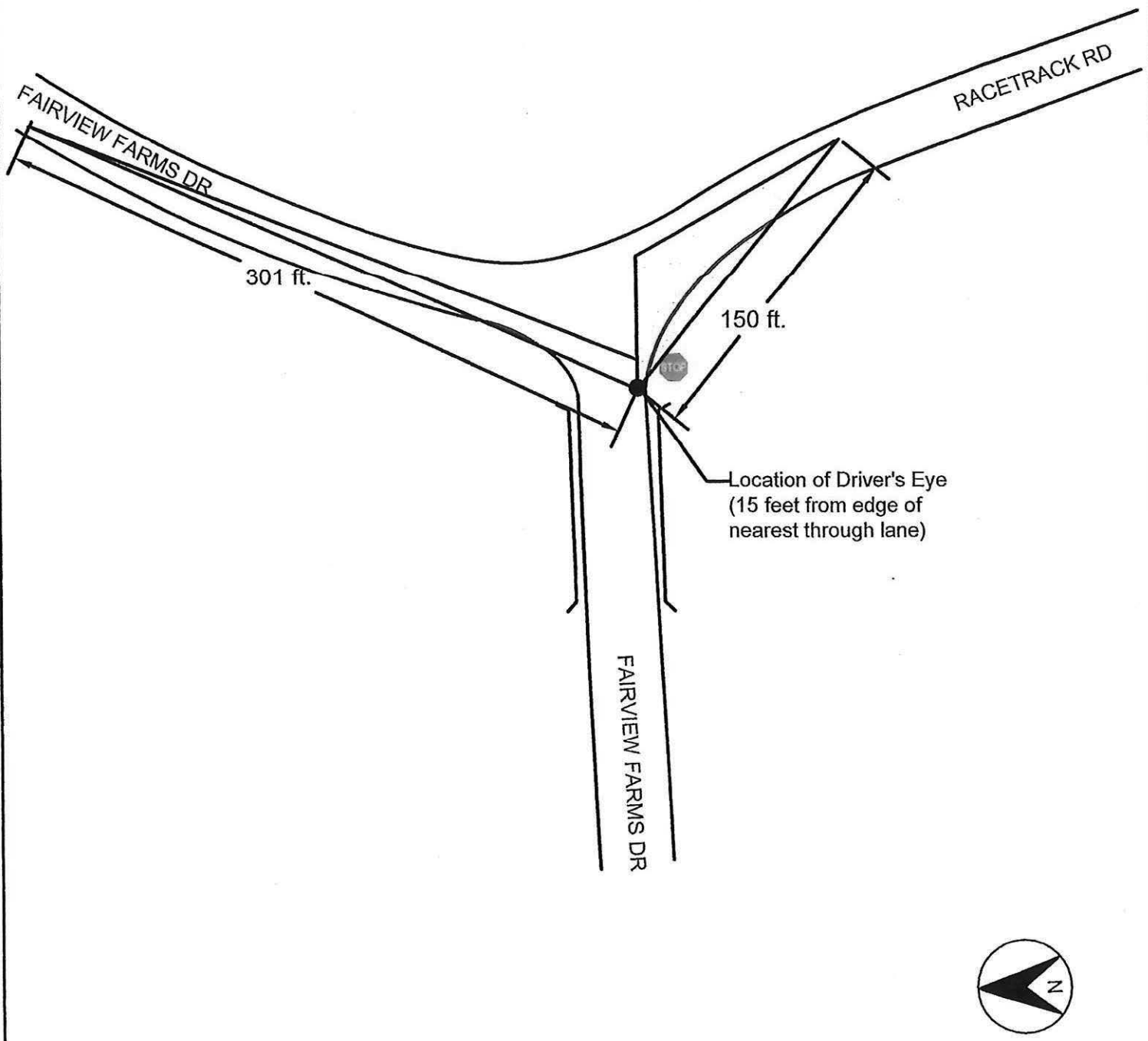
CAMPOBELLO, SC (SPARTANBURG COUNTY)

SHEET TITLE

INTERSECTION
SIGHT DISTANCE
AT LANDRUM RD
AND FAIRWINDS DR

J.M. TEAGUE
Engineering & Planning
155 N. MAIN ST. WAYNESVILLE NC 28786
www.jmteagueengineering.com

THIS DRAWING AND ASSOCIATED .DWG FILES ARE THE PROPERTY OF J.M. TEAGUE ENGINEERING & PLANNING AND SHALL NOT BE MODIFIED, USED, OR REPRODUCED IN ANY WAY OTHER THAN AUTHORIZED IN WRITING.



DATE:	07/29/2021
SCALE:	N.T.S.
DRAWN:	P. STEPP, ET
CHECKED:	D. HYDER, PE
PROJECT No.:	WAYN 1182

PROJECT:

ACCESS SAFETY REVIEW

CAMPOBELLO, SC (SPARTANBURG COUNTY)

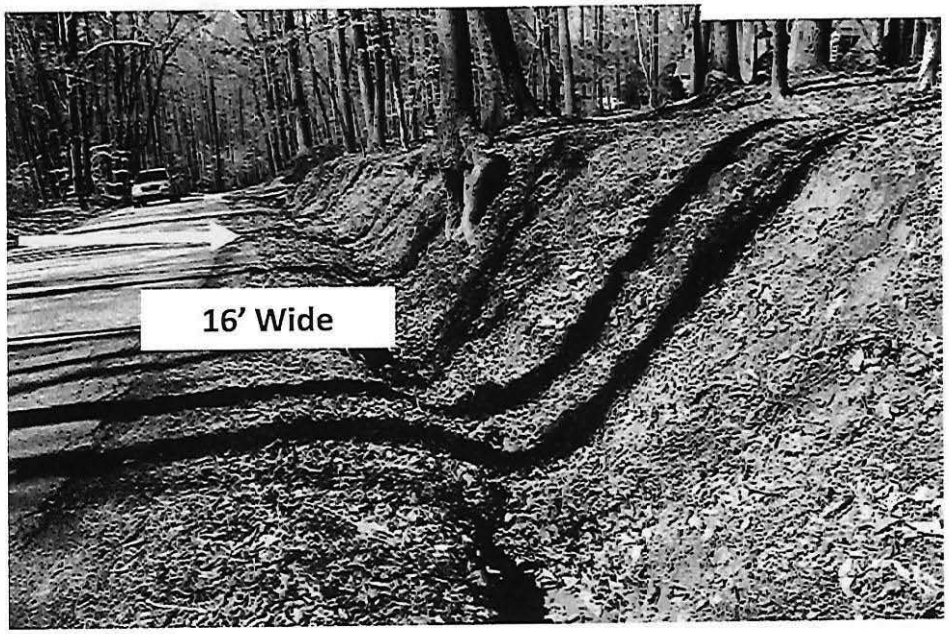
SHEET TITLE

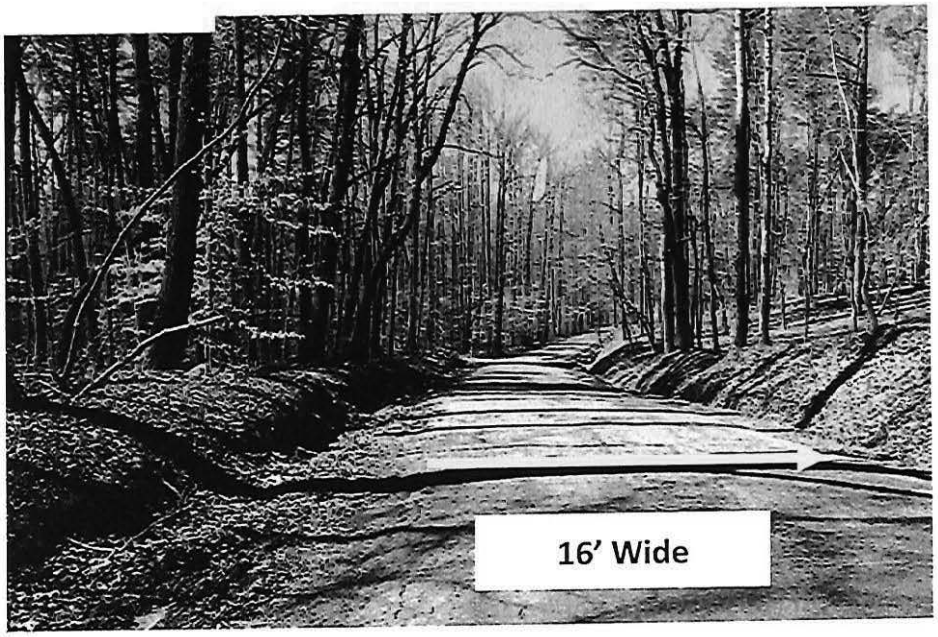
INTERSECTION
SIGHT DISTANCE
AT FAIRVIEW FARM RD
AND RACETRACK RD

J.M. TEAGUE
Engineering & Planning
1155 N. MAIN ST WAYNESVILLE NC 28786
www.jmteagueengineering.com

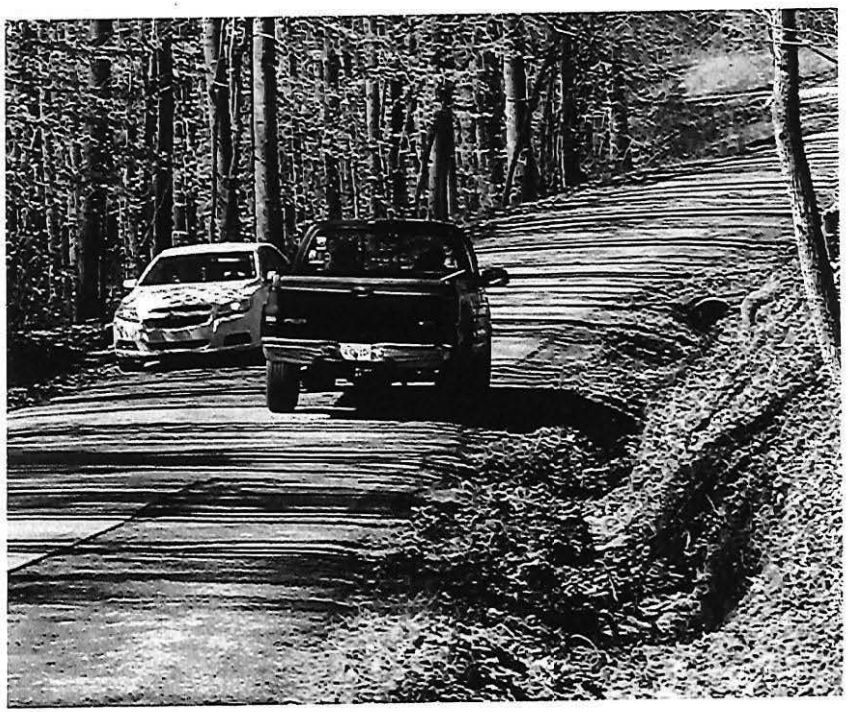
THESE DRAWINGS AND ASSOCIATED DWG FILES ARE THE PROPERTY OF J.M. TEAGUE ENGINEERING & PLANNING AND SHALL NOT BE MODIFIED, USED, OR REPRODUCED IN ANY WAY OTHER THAN AUTHORIZED IN WRITING.

Fairwinds Road—16’ Wide





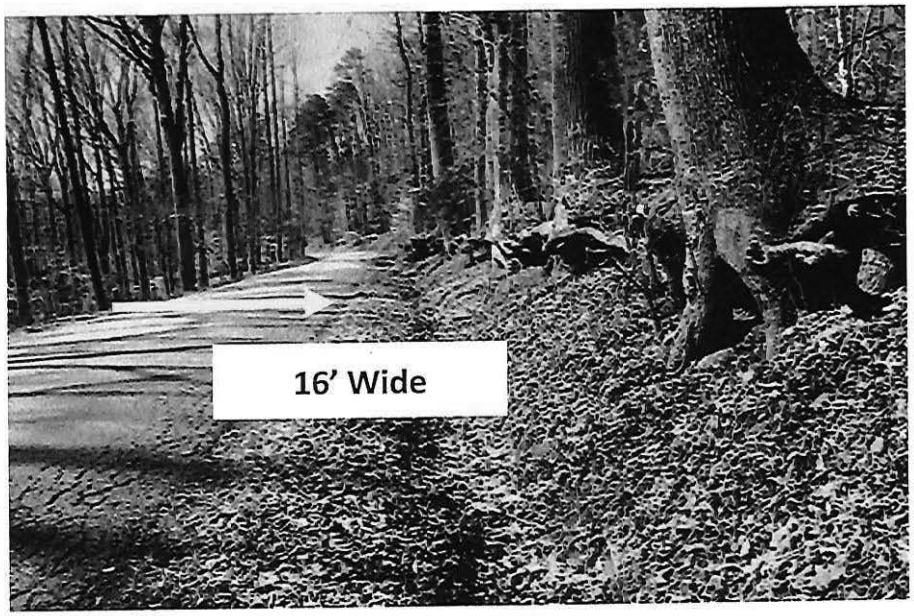




Bottom of Racetrack Road



Racetrack Road—16’ Wide









Landrum Mill Road—17’ 4 Wide



Near RV Park Entrance



Water Supply Construction Permit
Bureau of Water

dhec
S.C. Department of Health and Environmental Control

Permission is Hereby Granted To: **BLUE SKY ASSOCIATES LLC**
PO BOX 5930
SPARTANBURG SC 29301

for the construction of a groundwater system (test well) in accordance with the construction plans, specifications, design calculations and the SC DHEC Construction Permit Application signed by David W Odom, Registered Professional Engineer, S.C. Registration Number: 18038.

Project Name: **T TREE FARMS WELL WATER SYSTEM** **County:** Spartanburg
Location: I-26 W TOWARDS ASHEVILLE, LANDRUM MILL RD EXIT. TOP OF RAMP TURN RT AND GO 0.5 MILES. SITE IS ON THE RIGHT.

Project Description: Construction of a Type I test well with diameter of 6", approximate depth of between 50-100', and anticipated yield of 1/2 gpm.

Service By: The water will be provided by NEW (System Number: NEW)

Special Conditions

1. The materials used shall be lead free. EPA defines lead free as a weighted average of 0.25% lead calculated across the wetted surfaces of the pipe, pipe fitting, plumbing fitting, fixtures and 0.2% lead for solder and flux.
2. Prior to installation of the permanent pump, concrete pad, well head piping, storage tank and distribution system, the engineer shall submit for approval, a follow up permit application for this well. This submittal shall include 3 copies of a completed permit application, 3 copies of a completed well record (form enclosed), 24 hour pump test results, performance curves for the pump selected, design calculations, and 3 copies of construction plans and specifications for the installation of the pump, tank and distribution system.
3. This facility must submit monitoring results during the follow-up permit application for pH, Total Coliform, Nitrate, Alkalinity, Iron, Manganese and any other parameter the Department deems necessary. Also, if the test well is Type II or III gravel pack well, Turbidity and Sand content testing are required.

In accepting this permit, the owner agrees to the admission of properly authorized persons at all reasonable hours for the purpose of sampling and inspection.

This is a permit for construction only and does not constitute State Department of Health and Environmental Control approval, temporary or otherwise, to place the system in operation. An Approval to Place in Operation is required and can be obtained following the completion of construction by contacting the SPARTANBURG EQC OFFICE at 864-596-3800. Additional permits may be required prior to construction (e.g., stormwater).

Permit Number: 36080-WS
Date of Issue: August 12, 2022
Expiration Date: Construction must be completed prior to August 12, 2025 or this permit will expire.
JGC

Douglas B. Kinard, P.E., Director
Drinking Water and Recreational Waters
Protection Division

Gray
Engineering

2/16/2023

Leigh MacDonald
Current Planning Manager
Spartanburg County Planning & Development
366 N. Church St. [redacted]
Spartanburg, SC 29303

Re: T. Tree Farms
Major Land Development
DEVELOPPER-0223-0325
GEC # 2021006

Good afternoon:

On behalf of the developer, we worked to address all comments provided by planning staff. Comment responses are in blue for clarity.

1. Can you please provide some additional information regarding the "Test Well"? Where is the location of the well intended for use to service the RV Park? Can you please upload a copy of the permit for this well? *The label has been updated for clarity and the well permit has been uploaded.*
2. Please upload a copy of the permit for the septic system. Is the location of the shown Sanitary Sewer Septic Field approved by DHEC? *Approved septic system plans and permit have been uploaded. Shown drain fields have already been approved by DHEC.*
3. Please show the location of the underground tank and upload the Fire Protection Package. *Fire protection plan has been uploaded and location of underground tank is shown.*
4. Please label the sign as approximate entrance sign location and notate that a Sign Permit will be obtained from the Planning Department. *Note updated at the entrance sign.*
5. Can you please provide some additional details regarding how the business will operate without an office for now? Where will the business be running from? *From the developer: The business will have one employee. This is what the industry calls the "work camper," or "camp host." That individual is parked in a spot with a full hookup. He or she receives the spot as part of their pay package, along with payroll. Their spot is clearly marked so that incoming units stop there and check in. They will be equipped with a laptop and golf cart. the laptop to check them in and take payments, and the golf cart to escort the unit to its assigned spot. I intend to be the camp host for the first 6 months. The actual office will be in place before 12 months pass from the time the C/O is issued.*
6. Please provide square footages of office and pool. *Future office building will be approximately +/- 400 sq.ft. and the future pool will be approximately +/- 800 sq.ft. maximum.*
7. Please provide height of building. *Max height of 15'.*
8. Plan references architectural plans for dumpster enclosure design. Can you please upload? *I've included the dumpster enclosure detail on the resubmitted preliminary plat.*

9. Please revise front setback to 65' from the centerline of the road. *Updated on revised plat.*
10. Can you please tell me how many employees the business will have? *One employee, further explained in comment response #5.*
11. Please revise Note #3 to reflect new acreage of new parcel. *I removed note 3 entirely to eliminate confusion.*
12. Please revise the district to District 2. *Updated on revised plat.*
13. I keep counting only 81 spaces; however, the plan indicates 82 spaces are provided. Please advise. *There are 19 – 60 degree sites that have one parking space. There are 30 sites that each have parking for 2 vehicles. Additionally, there are three spaces adjacent to the future office and another 4 spaces towards the south side of the property for a total of 86 spaces.* 4 ADA spaces are shown.
14. Please advise how lighting is to be arranged for spaces that will be used at night. Lights should be shielded and lighting should be kept on own property. *We added a note #7, "ANY LIGHTING ON THE PROPERTY SHALL BE ARRANGED IN A WAY AS TO NOT IMPACT NEIGHBORING PROPERTIES. LIGHTS SHOULD BE SHIELDED."*
15. Please provide 4 handicap spaces. *4 spaces are now provided and shown on the revised plat.*
16. Please correct scale in both places. It seems to be 1"=60' to me. *The site plan is at a 1" = 60' scale while the parking example are at a 1" = 30' scale.*
17. Are these spaces to be self-contained? *Yes.* No space should be further than 150' from a drinking water supply or 300' from a comfort station. *Every space has a water and sewer hookup provided.*
18. Please clarify how Section 3.13 (9) is going to be met. No site shall be further than 300' from a central area; however, there is only one dumpster shown. 60 gallons per 5 sites shall be provided. *An additional dumpster pad and smaller trash pad has been added. One dumpster alone can easily satisfy the volume requirement but the additional areas were needed to meet the distance regulation.*
19. qPublic indicates parcel 1-09-00-020.08 to have an address of 195 rather than 199. *Updated on revised plat.*
20. qPublic indicates parcel 1-09-00-007.42 to have an owner of Gregory W Hall. *Updated on revised plat.*

Should you have any questions or require any additional information, please call me at 297-3027.

Sincerely,

Waverly Wilkes

Waverly Wilkes
Senior Project Engineer
[redacted]

Gray Engineering Consultants, Inc. [redacted]

132 Pilgrim Road Greenville, SC 29607 **www.grayengineering.com**

Date : 2/23/2023 4:17:08 PM
From : "Waverly Wilkes" [redacted]
To : "MacDonald, Leigh" [redacted]
BCc : [redacted]
Subject : Re[3]: T. Tree Farms RV Park
Attachment : Gray.png;Gray.png;image001.png;image002.png;image005.jpg;

Hey Leigh,

I spoke with the owner and to alleviate any issues she will have the office onsite before they open for business. She has no issues putting an easement around the well but currently there isn't a need since the property hasn't been subdivided.

She did want me to clarify the subdivision aspect with you as there seems to be some direction coming from roads/bridges.

The roads and bridges dept are the ones that get the call from the neighbors when anyone shows up to do anything up there. They are the ones that directed the land owner to split the parcel. It hasn't been recorded it yet. The reason for this is that she has an open permit on the campground, and because it is all one parcel, I have to abide by the ULMO on the whole thing. Once it's split, it's her understanding that she can go build the farm without interference to the permit process on the campground. We really want to clarify this before that split is recorded.

I hope this helps,

Waverly

Waverly Wilkes, P.E.
Senior Project Engineer || Gray Engineering
P [redacted]
C [redacted]
E [redacted]

132 Pilgrim Road
Greenville, SC 29607
www.grayengineering.com

------ Original Message ------
From: "Waverly Wilkes" [redacted]
To: "MacDonald, Leigh" [redacted]
Sent: 2/21/2023 4:57:42 PM
Subject: Re[2]: T. Tree Farms RV Park

> Hey Leigh,
>
> Below are the responses I received back:
>
> 1. The well permit indicates this is for the "test" well. Does the test well become the operational well upon approval? Is there a permit for the operational well? This permit also indicates a need for an "Approval to Place into Operation". Has that been granted? *The well is drilled to a depth of at least 100', and gpm is measured at this point. The goal here is to get as much gpm as possible, so that the size of the storage tank can be reduced. We will drill to the depth required to get the flow we are looking for, currently 80 gpm. Once depth is reached, the testing begins and will run 24 hours. After that period, we will know what contaminants we may or may not have, what type of treatment we may need to do to the water for human consumption, and an average flow rate. DHEC will then issue the operation permit. So yes, the test well does turn into the supply well.*
> 2. Has DHEC approved this well to be offsite from the Park since you have proposed a subdivision at this

time? *There is nothing in the DHEC regulation that says a well has to be in a specific place. It does say that it has to be 100' from a creek or a structure. The only reason they are splitting the parcel is because the roads and bridges department will not let them work on the farm side without doing it.*

3. Per Section 3.03-2 of the ULMO, an RV may not be used as a residence for the period of time that you have indicated.

   "Further, no recreational vehicle or travel trailer shall be used or permitted for permanent residential use. These vehicles are not built in compliance with the HUD Standards or the International Residential Code and, as such, shall not be allowed for permanent residential use. A recreational vehicle may be set up for a period of up to 90 days within a twelve-month period for the purposes of living on site while building a residence."

   Additionally, an RV could not be utilized as an office. Do you have an alternative plan for managing the business until the office is constructed? *The owner has committed to ensuring the office is constructed and running within 90 of receiving the C/O.*

If you need anything additional just let me know,

Waverly

Waverly Wilkes, P.E.
Senior Project Engineer || Gray Engineering
P: [redacted]
C:
E:

132 Pilgrim Road
Greenville, SC 29607
www.grayengineering.com

------ Original Message ------
From: "MacDonald, Leigh" [redacted]
To: "Waverly Wilkes" [redacted]
Sent: 2/20/2023 1:54:38 PM
Subject: RE: T. Tree Farms RV Park

Good afternoon, Waverly!

Thank you for providing the requested documents. The BlueBeam session was still open awaiting additional reviewers, so I have closed that session and opened a new session with the revision you have provided.

Upon review of the new information, I have a few follow-up questions:

1. The well permit indicates this is for the "test" well. Does the test well become the operational well upon approval? Is there a permit for the operational well? This permit also indicates a need for an "Approval to Place into Operation". Has that been granted?
2. Has DHEC approved this well to be offsite from the Park since you have proposed a subdivision at this time?
3. Per Section 3.03-2 of the ULMO, an RV may not be used as a residence for the period of time that you have indicated.

   "Further, no recreational vehicle or travel trailer shall be used or permitted for permanent residential use. These vehicles are not built in compliance with the HUD Standards or the International Residential Code and, as such, shall not be allowed for permanent residential use.

   A recreational vehicle may be set up for a period of up to 90 days within a twelve-month period for the purposes of living on site while building a residence."

   Additionally, an RV could not be utilized as an office. Do you have an alternative plan for managing the business until the office is constructed?

ELECTRONICALLY FILED - 2023 Aug 01 1:26 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

February 28, 2023

Joan Holliday, Director
Spartanburg County Planning & Development
366 N. Church Street
Spartanburg, SC 29303

Re: **Request for Public Hearing Before the Planning Commission**
T. Tree Farms, Blue Sky Associates, LLC

Dear Ms. Holliday:

Enclosed is a Request for Public Hearing. The Request is by **449 Concerned Citizens** and relates to the Major Land Development Application for T. Tree Farms project (Blue Sky Associates, LLC) dated February 7, 2023. Signature pages are attached.

Concerned Citizens understand that this application may be on the agenda for the March 7, 2023 Planning Commission meeting. If this application is on the March 7 Planning Commission agenda, Concerned Citizens request that it be postponed. Concerned Citizens ask that their Request for Public Hearing be first reviewed and considered by the Members of the Planning Commission.

Regarding the scheduling of this matter before the Planning Commission, Concerned Citizens filed a FOIA request last week seeking all information from the County about this application. Concerned Citizens are awaiting the County's statutory response, which is required within 40 days. No doubt much of the information will be technical, and Concerned Citizens request sufficient time for their review of the FOIA response. Thus, Concerned Citizens request that nothing be scheduled by the Planning Commission in this matter until the FOIA response is received and Concerned Citizens are afforded reasonable time thereafter to review the information. This is essential to affording Concerned Citizens adequate notice and opportunity to be heard with regard to a major land development in their community as required by the SC Constitution, State law, and County ordinance.

Concerned Citizens are not aware of any cover sheets/forms or filing fees being required by the Planning and Development Department for their Request for Public Hearing. Please advise if such is required.

Sincerely,
CONCERNED CITIZENS

For communications, please contact Larry Jankins, ljankins@aol.com, 954-520-9229.

Enclosure
cc w/enclosure: All Planning Commission Members
Leigh McDonald, Planning Manager
Blue Sky Associates, LLC
Bob Walker, County Council
Jack Mabry, County Council

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

February 28, 2023

Joan Holliday, Director
Spartanburg County Planning & Development
366 N. Church Street
Spartanburg, SC 29303

Re: **Request for Public Hearing Before the Planning Commission**
T. Tree Farms, Blue Sky Associates, LLC

Dear Ms. Holliday:

Enclosed is a Request for Public Hearing. The Request is by **449 Concerned Citizens** and relates to the Major Land Development Application for T. Tree Farms project (Blue Sky Associates, LLC) dated February 7, 2023. Signature pages are attached.

Concerned Citizens understand that this application may be on the agenda for the March 7, 2023 Planning Commission meeting. If this application is on the March 7 Planning Commission agenda, Concerned Citizens request that it be postponed. Concerned Citizens ask that their Request for Public Hearing be first reviewed and considered by the Members of the Planning Commission.

Regarding the scheduling of this matter before the Planning Commission, Concerned Citizens filed a FOIA request last week seeking all information from the County about this application. Concerned Citizens are awaiting the County's statutory response, which is required within 40 days. No doubt much of the information will be technical, and Concerned Citizens request sufficient time for their review of the FOIA response. Thus, Concerned Citizens request that nothing be scheduled by the Planning Commission in this matter until the FOIA response is received and Concerned Citizens are afforded reasonable time thereafter to review the information. This is essential to affording Concerned Citizens adequate notice and opportunity to be heard with regard to a major land development in their community as required by the SC Constitution, State law, and County ordinance.

Concerned Citizens are not aware of any cover sheets/forms or filing fees being required by the Planning and Development Department for their Request for Public Hearing. Please advise if such is required.

Sincerely,
CONCERNED CITIZENS

For communications, please contact Larry Jankins, ljankins@aol.com, 954-520-9229.

Enclosure
cc w/enclosure: All Planning Commission Members
Leigh McDonald, Planning Manager
Blue Sky Associates, LLC
Bob Walker, County Council
Jack Mabry, County Council

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

The undersigned are Spartanburg County residents, taxpayers, and/or interested parties in the matter of T. Tree Farms RV Park (Blue Sky Associates, LLC) and "Concerned Citizens" herein.

The Concerned Citizens request a public hearing before the Commission relating to the February 7, 2023 application by Blue Sky Associates, LLC ("Blue Sky") to develop a "campground or RV park" at 1970 Landrum Mill Road, Campobello.[1]

Concerned Citizens are interested persons who stand to be substantially affected and detrimentally impacted (health, safety, environment, and general welfare) from the proposed RV park. Concerned Citizens are interested in the subject matter of this proposed development and request a public hearing so that they may participate in the application process.

Commission Rules, Art. III, Public Hearings, Sections 2.3 provide that a public hearing before the Commission is a *"forum for people interested in the subject matter to present information to the Commission for their consideration as they deliberate an issue."*

Concerned Citizens offer the following in support of this Request for a Public Hearing:

1. DUE PROCESS: The South Carolina Constitution, Article I, Section 22 provides that *"No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard."* The Commission has the duty to afford Concerned Citizens due notice and an opportunity to be heard through a public hearing. Concerned Citizens are people who (a) are interested in this development plan; (b) stand to be negatively impacted by Blue Sky's application of February 7, 2023; and (c) stand to have many private rights affected by a Commission decision on the application. Concerned Citizens wish to present information and written material to the Commission Members for their consideration in deliberation before a decision is rendered.

2. MISREPRESENTATION BY DEVELOPER - WELL PERMITS: Concerned Citizens wish to present information to the Commission that Blue Sky/its engineers misrepresented in the current application process that DHEC has issued a permit for a permanent well for water. This is misleading. Pursuant to

[1] Two years ago on March 2, 2021, the Commission gave conditional Site Plan approval to Blue Sky for a 50-space RV park on the same property. Blue Sky failed to meet the six approvals as required by the Commission as conditions precedent before the project would receive final County approval. There has been no final approval by the County on the 2021 application.

DHEC Regulation 61-58, this is a two-step process. Blue Sky has a permit for the first step, which is a "test well" to analyze water quality. As stated on the test well permit, the permit does not constitute DHEC approval to place the system in operation. A follow-up application to DHEC is required. The production well has not been approved by DHEC. Moreover, DHEC has no jurisdiction over the required source of water in a local land development.

3. ROAD SAFETY - EXPERT REVIEW: Concerned Citizens wish to present to the Commission comprehensive findings prepared by a road safety engineer. His 10-page Road Safety Audit includes a detailed on-site assessment of old farm to market 16-feet wide roadways with steep grades, limited sight, sharp curves, no shoulders, and deep roadside ditches. The road safety expert opined that RV traffic from the RV park over the only routes to/from the park ***"adds danger to already dangerous roads."*** This poses a major danger to health, safety, and general welfare of all persons using these roads for travel and recreational purposes. The developer's Traffic Impact Analysis projects that 75,000 vehicles per year (including huge RVs) will travel to/from the park on our country roads.

4. EXPERT OPINIONS ON FIRE SUPPRESSION and MORE: Concerned Citizens wish to present information/expert opinions to the Commission on the issues of an inadequate fire suppression plan, deficient septic permit, the undersized septic system, stormwater management, and risks to drinking water, residents' wells, health, the environment, and more.

5. WATER ISSUES: Concerned Citizens wish to present information to the Commission about the water supply to the RV park and their wells (residential and agricultural use). Blue Sky seeks to supply its RV park with water from a well system instead of water from a public water district as required by the Commission in 2021. ULMO Section 3.13 states that RV park sites must be served by public water. Concerns also exist regarding interference with nearby residents' wells.

6. HARMONIOUS and COMPATIBLE DEVELOPMENT CRITERIA: Concerned Citizens wish to present information to the Commission that this proposed RV park is not harmonious and compatible development as required by the Planning Act and the ULMO and as further recognized in the Comprehensive Plan. The lands surrounding the RV park consist of nearly 5,000 acres of four structured homeowners' associations with conservation-focused restrictive covenants. The properties are low-density, agri-rural, and non-commercial. Thousands of acres are under formal conservation easements with Upstate Forever and Conserving Carolina. The developer's projection is that 75,000 vehicles per year of commercial traffic will be added to the privately owned roads in this conservation area. The commercial RV park is not in harmony with our extensive and formal conservation easements and covenants. The park destroys the purpose of protecting our sensitive environment.

7. SUPPORT FROM CONSERVATION GROUPS: Concerned Citizens wish to present information to the Commission that several conservation groups support the effort to protect this sensitive environment from the RV park development, including The Southern Environmental Law Center, The South Carolina Environmental Law Project, Upstate Forever, Conserving Carolina, and the SC Native Plant Society. A professional biologist surveyed Gold Mine Creek and identified threatened species of plants on the banks of the creek, which flows along the RV park parcel.

8. SIGNIFICANT NEGATIVE IMPACTS TO THE COMMUNITY: The proposed RV park will cause many negative effects and impacts on Concerned Citizens and the greater community including health,

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

drinking water contamination, impact on a totally well-dependent community with hundreds of residents (residential and agricultural use), safety, road safety, the environment of the conservation-focused community, pollution, noise pollution, light pollution, risk of fire, diminution in property value, stormwater management, and traffic. This includes the developer's for-profit traffic over privately owned, narrow roads which are the only routes to/from the park. Many other concerns exist about safety, health, and general welfare of Concerned Citizens.

9. SEPTIC PERMIT: Concerned Citizens wish to present information on Blue Sky's septic permit to the Commission.

a. Concerned Citizens will present the DHEC Board's Final Agency Decision, wherein the DHEC Board rescinded Blue Sky's septic permit for size and capacity deficiencies.

b. On December 20, 2021, the DHEC Board held a lengthy hearing and posed questions to Blue Sky about a safety plan for system failure. Blue Sky has no such plan. A video recording of the hearing is available on the DHEC website.

c. The DHEC Board cited the Pollution Control Act 101 (c) ("real or potential threat to health") and determined that the data submitted by Blue Sky did not support its request for a 50% reduction from the DHEC standard peak flow capacity for its septic system. Blue Sky designed its system to handle 60 gallons per day per unit as opposed to the general DHEC standard 120 gallons per day per unit.

d. The DHEC Board rescinded Blue Sky's septic permit, which is the same permit that Blue Sky submitted with its February 7, 2023 to the County.[2] The septic permit is in litigation.

e. The undersized septic system lacks capacity as determined by the DHEC Board.

f. Two million gallons per year of chemically contaminated, high strength wastewater from RVs are projected to be discharged into the RV park's septic system per DHEC standard calculations of peak flow. DHEC Regulation 61-56, 501 (Peak Sewage Flow Rate Standard).

g. The undersized septic system poses a threat of failure resulting in discharge into water courses, contamination of local wells and drinking water, and threat to the health, safety, and general welfare of Concerned Citizens as well as the drinking water for the City of Spartanburg.

[2] Blue Sky's managers sought administrative review of the DHEC Board decision based upon a 15-day procedural rule (time limits to seek review by the DHEC Board). The substance of the septic permit was not addressed in the review. The administrative review was appealed to the South Carolina Court of Appeals on December 20, 2022. DHEC is a party in the case. The South Carolina Environmental Law Project is representing 4 Homeowners' Associations in the Appeal.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

In summary, Concerned Citizens submit that a public hearing must be held by the Commission in this matter as mandated by the SC Constitution, the State Planning Act, and the County's ULMO. The Planning Act provides that the function of a local planning commission is to promote public health and safety. Section 6-29-30(1). The Act further provides that the public health, safety, and general welfare require the harmonious and orderly development of land within counties of the State. Section 6-29-1120.

Also noteworthy is the *South Carolina Guide to Land Use Planning*, which is published by the South Carolina Association of Counties. The Guide states that a local planning commission *"serves as the citizen advisory group"* to the County. A commission exists to carry out *"a continuing planning program for the benefit of the community it serves."* The Guide further notes that there is a need for public input and plans require a *"close and continuous collaboration between citizens and local government."* Blue Sky's prior application in 2021 contained critical misrepresentations about private property rights, and close scrutiny of the current application with citizens' input is warranted.

For the foregoing reasons, Concerned Citizens hereby request that the Commission hold a public hearing on Blue Sky's application for Major Land Development dated February 7, 2023.

Due to the great number of interested persons and the many issues presented, Concerned Citizens ask the Commission Members to please consider extending the time limit for presentation as set forth in Commission Procedure Rule 2.7 to no less than 90 minutes. This matter is of great concern and involves critical issues regarding health, safety, and welfare of the general public. Some of these issues are technical in nature and require professional expert analysis and explanation. Concerned Citizens submit that a 30-minute time limitation would handicap their presentation and deny the Commission the opportunity to fully understand the many concerns.

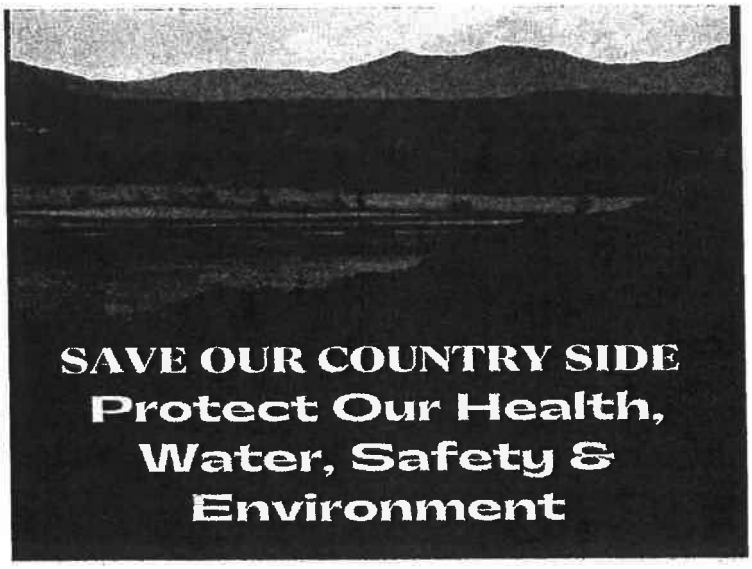
Submitted By Concerned Citizens – See Attached Signature Pages February 28, 2023

To: Planning Commission Members
Douglas C. Brackett, Secretary
Donna Turner Williams
Whit Kennedy, Jr., Chairman
James William Hamilton
James Les Green
Toby Mark McCall, Vice-Chairman
Lewis Allen Newman
Stewart Winslow
Francis Parker Champion

cc: Joan Holliday, Director, Planning & Development Dept.
Leigh McDonald, Planning Manager, Planning & Development Dept.

William A. McDaniel, Manager
Kimberli Burnett, Manager
Blue Sky Associates, LLC
446 Oak Grove Road
Spartanburg, SC 29301

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

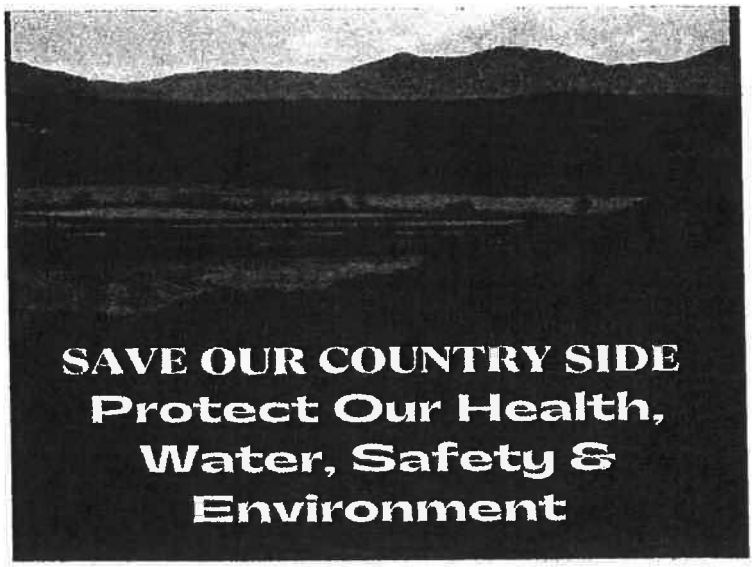
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/23/23	SUE SPIEGEL	
2/23/23	[illegible]	
2/23/23	Judie Klapholz	J Klapholz
2/23	Roxanne Wojan	
2-23-23	Judy Burke	Judy Burke

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

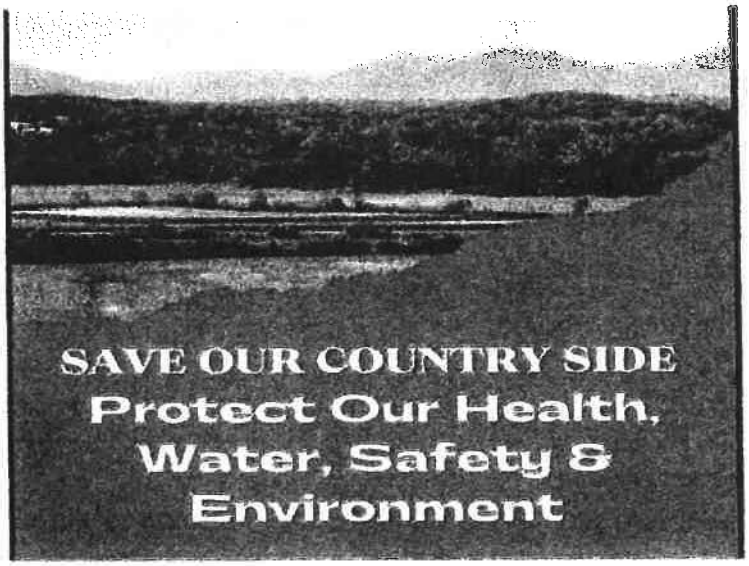
TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/23/23	Myron Burdette	
2/23/23	Samuel Steinhart	
2/23/23	Jeffrey Bailey	
2/24/23	Abby Billue	
2/24/23	MARK WILKINS	

MARK WILKINS

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

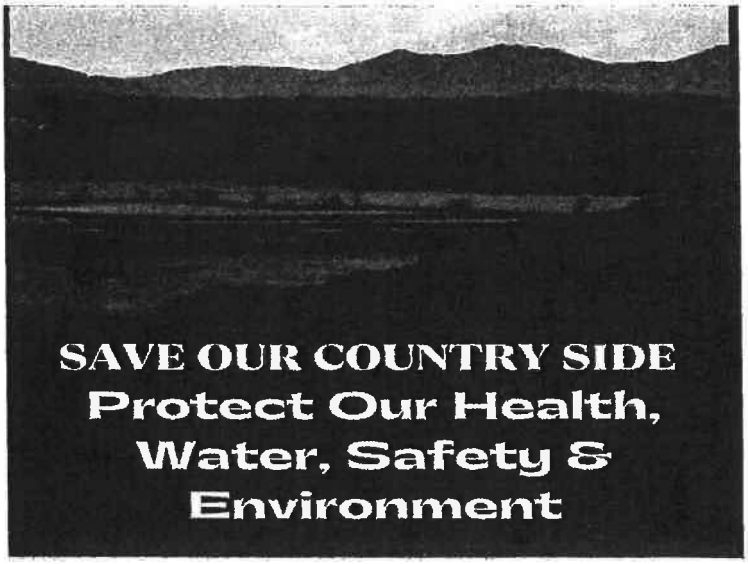
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/25/23	Steven Robert	
2/27/23	Casey Greene	Casey Greene
2/27	Stephanie Burrell	Stephanie Burrell
2/27	Heather Robinson	
2/27	KIM BURNETT	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

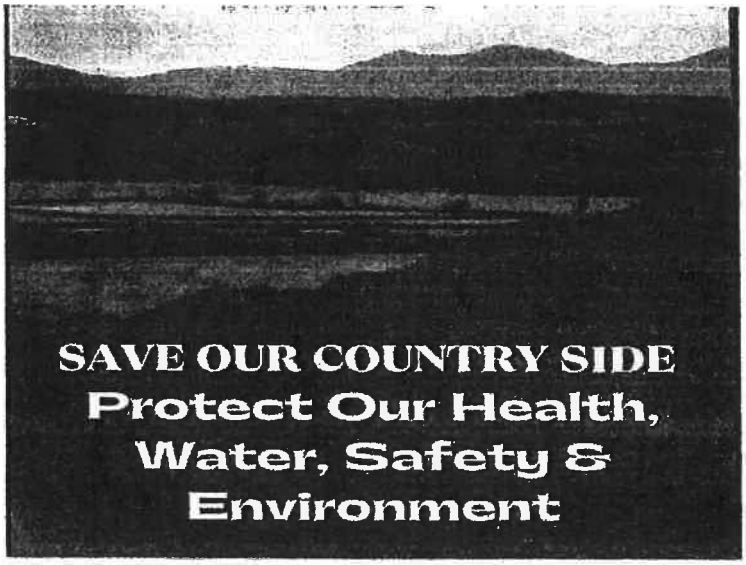
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-23	Doug Whitaker	
2-23-23	Debra Whitaker	
2-23-23		
2/23/23	PHILLIP M. ESKEW	
2/23/23	TONY DiNicola	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

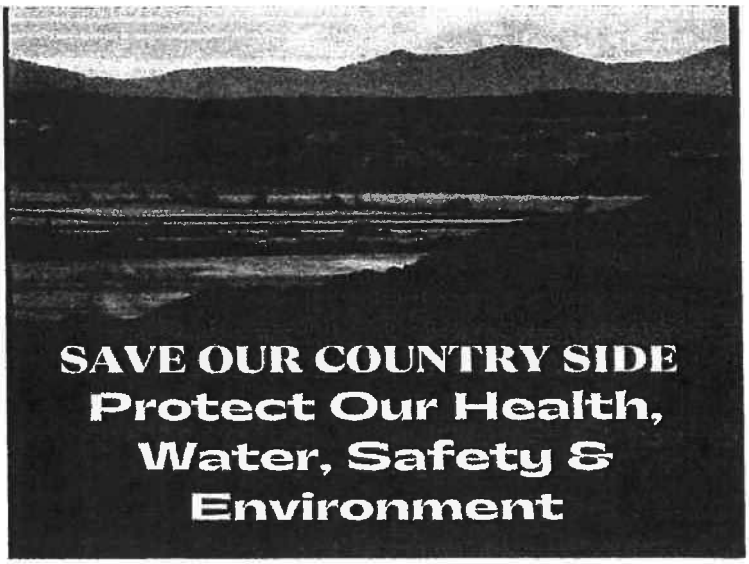
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-24-23	Kitty Bohemian-Kistler	
2-24-2023	Robert M Kistler	
2/25/23	Sue A. Mullen	
2-26-23	Russ Rock	
2-26-23	Sally Rock	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

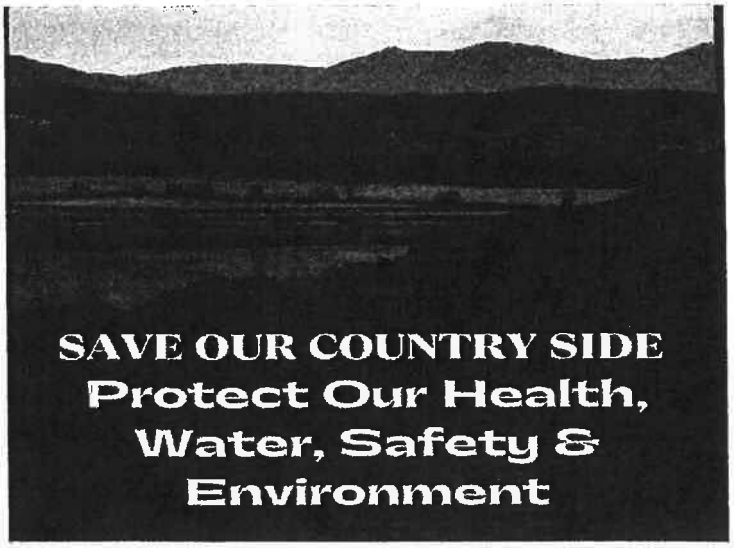
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/25/23	Mary Jo Myers	Mary Jo Myers
2/25/23	Chris ter Kuile	
2/25/23	Robbie ter Kuile	
2/25/23	David Mullen	
2/25/23	Denise Cwik	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

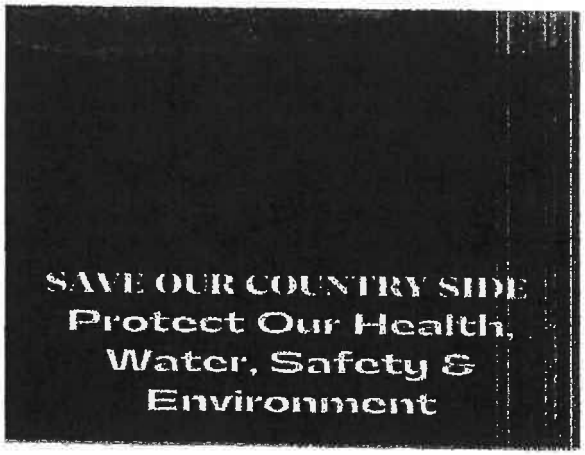
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/23/23	Keeley Grigg	K Grigg
2/23/23	Oliver Belue	Oliver D Belue
2/23/23	Lucus Belue	Lucus Belue
2/23/23	Joseph Chastain	Joseph Chastain
2/23/23	Lorraine Divito	Lorraine Divito

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

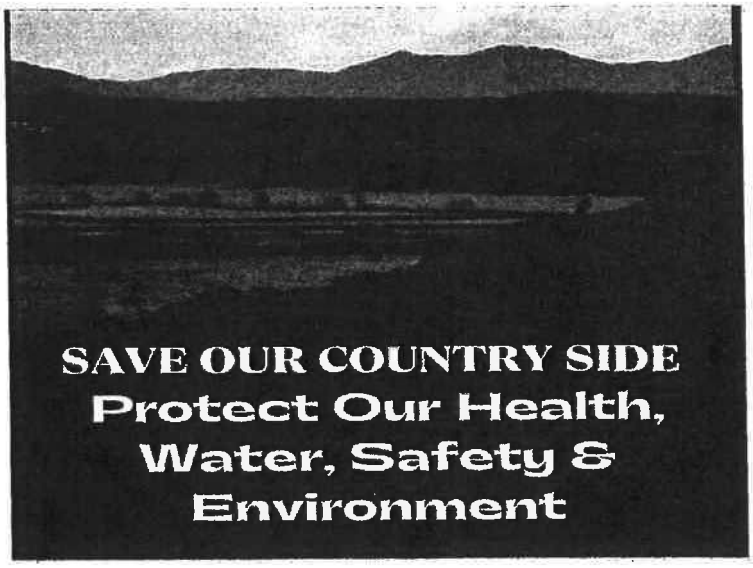
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberll Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/26/2023	STEPHEN WOOD	
2/26/23	ILARIA DERR	
2/26	CARL KELLEY	
2-26-23	Beth Kelley	
2/26/23	Katie Holmes	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/25/23	Linda Knippa	Linda Knippa
2/25/23	Sherry Mutschler	Sherry Mutschler
2/25/23	John Hirsh	John Hirsh
2/25/23	Brig Somero	Brig B. Somero
2/25/23	LOU C MARTIN	Lou C Martin

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

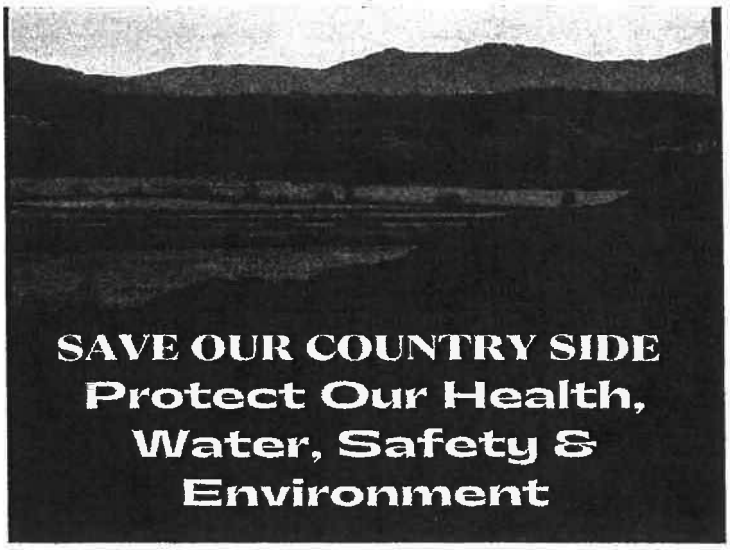
REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/25/23	Sarah Prouty	Sarah Prouty by SWG
2/25/23	Richard Prouty	Richard Prouty by SWG
2/25/23	Benjamin Prouty	Benjamin Prouty by SWG
2/25/23	Peter Yeager	Peter Yeager by SWG
2/25/23	Jackie Yeager	Jackie Yeager by SWG
2/25/23	Madeleine yeager	Madeleine yeager by SWG
2/25/23	Haven yeager	Haven Yeager by SWG
2/25/23	Meredith Lassiter	Meredith Lassiter by SWG
2/25/23	Lewis Lassiter	Lewis Lassiter by SWG
2/25/23	Marissa Lassiter	Marissa Lassiter by SWG
2/26/23	Alison Gooding	Alison Gooding by SWG



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/23/23	Sidney Gooding	Sidney Gooding
2/23/23	Paul Gooding	Paul A. Gooding
2/24/23	Elspeth B. Anderson	Elspeth B. Anderson
2/25/23	Priscilla Yeager	Priscilla Yeager by SWG
2/25/23	Ken Yeager	Ken Yeager by SWG

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/23/2023	Donna Wemer	
2/23/2023	Mike Scharfenberger	Mike R.O
2/23/2023	Jessica Dosthuyse	
2/23/2023	Richard Dosthuyse	
2/23/2023	Emma Lonan.	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/26/2023	Don Bent	Don Bent
2/26/2023	Alanna Bent	Alanna Bent
2-26-23	Britt S. Bent	Britt S. Bent
2/26/2023	Artem Tabakaev	Artem Tabakaev SSB
2/26/2023	Marielle Bent	Marielle Bent SSB

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

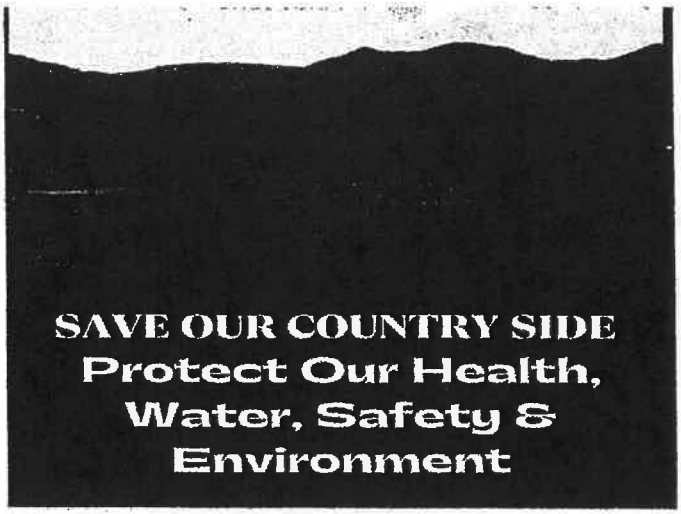
REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-23-23	Lauren Rhymer	Lauren Rhymer
2-23-23	Cloe Russell	Cloe Russell
2.23.23	Mary Steele	Mary B Steele
2.23.23	Mac Steele	
2.23.23	Cindy Boyle	
2.23.23	John Boyle	John Boyle
2.23.23	Eleanor Cole Boyle Lawter	Eleanor Cole Boyle Lawter
2.23.23	Richard Lawter	Richard R Lawter
2.24.23	JASON ALLEN	
2-24-23	MARY ALLEN	Mary A Allen



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
02/23/2023	Christopher C. Kathe	
2/23/23	Rene' L. Kathe	
2/23/23	Gregory Kathe	
2/23/23	John A. Kathe	
02/23/23	Leilani Kathe	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

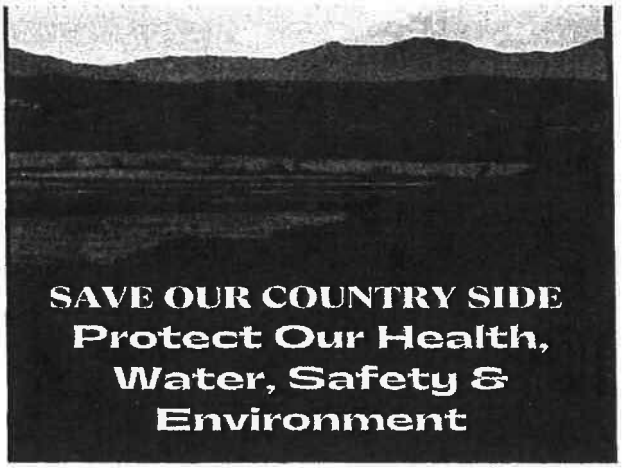
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/23/23	Rachel Sturgill	
2/23/23	Connor Hrdlicka	
2/24/23	Raymond Allen	
2/24/23	Jeri Allen	
2/24/23	Morgan Allen	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

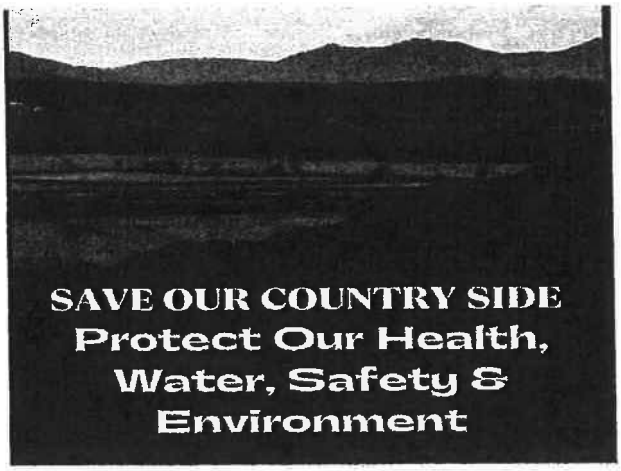
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-26-23	Karen Hickman	Karen Hickman
2-26-23	Meredith L. Cross	Meredith L Cross
2-26-23	EVIE CROSS	evie cross
2-26-23	ISABELLE CROSS	Isabelle cross
2-26-23	JOHN W. CROSS	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/26/23	[illegible]	W.F. Laughridge III
2/26/23	ELIZABETH E. LAUGHRIDGE	Elizabeth E. Laughridge
2/26/2023	Sandy McDaniel	Sandy McDaniel
2/26/23	CHRISTOPHER M LAUGHRIDGE guardian - Elizabeth Laughridge	Christopher M. Laughridge
2-26-23	Thomas N. Hickman	Thomas N. Hickman

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

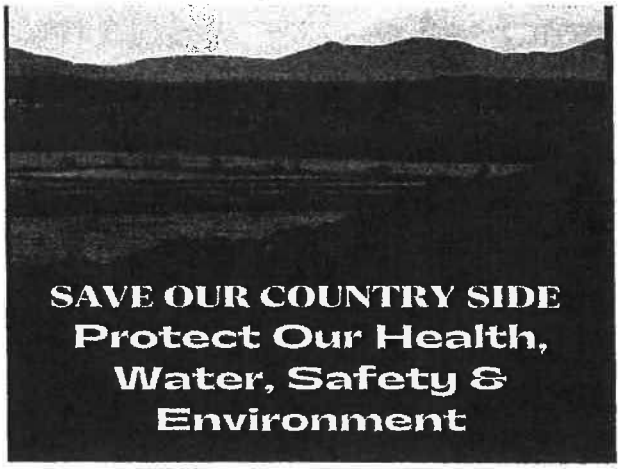
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27/23	Davis Love	
2/27/23	Eileen Love	Eileen Love
2/27/23	Elise Love	on behalf of Elise Love
2-27-23	Carol Love	Carol Love
2/27/23	KEVIN LOVE	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

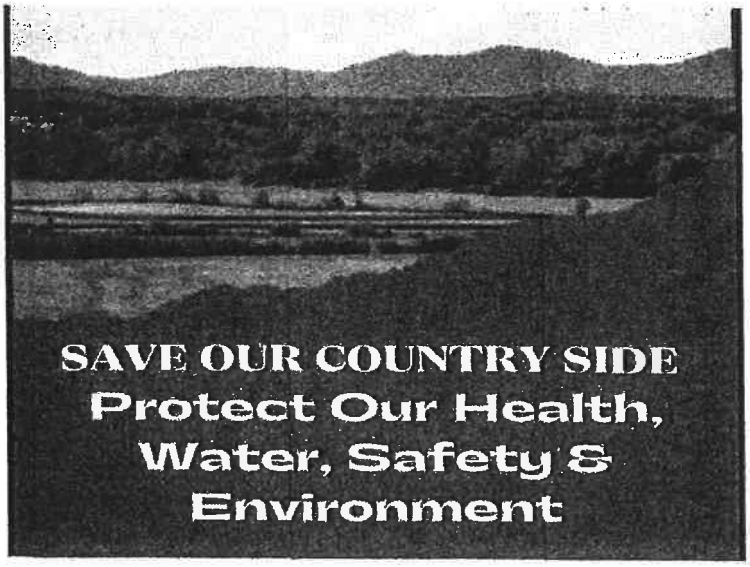
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-26-23	MATT LAUGHRIDGE	
2-26-23	PALMER LAUGHRIDGE	Palmer Laughridge
2-26-23	KATE LAUGHRIDGE	Kate Laughridge
2-27-23	Wanda Edgerton	Wanda Edgerton

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/23	Elaine Jankins	Elaine Jankins
2-24-23	LARRY JANKINS	
2-24-23	Valerie Quinn	
2-24-23	ANGELIQUE MURPHREY	
2-26-23	W STEVEN MACK	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

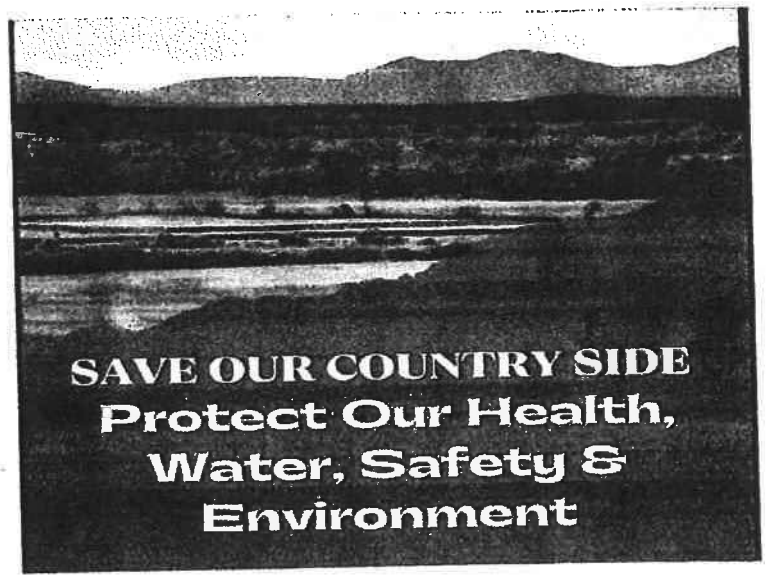
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/26/23	Daniel Carnell	
2/26/23	Grace Carnell	
2/26/23	Easton Carnell	
2/26/23	Lyla Carnell	
2/26/23	Jackson Carnell	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-25-24	Jeremy Adair	Jeremy Adair
2-26-23	Chris C Jolly	Chris C Jolly
2-26-23	DiAnne Poague	DiAnne Poague
2-26-23	Linda McCullough	Linda McCullough
2-26-23	Joyce Cox	Joyce Cox
2-26-23	Tucker Cox	Tucker Cox
2-27-23	Troy Norman	Troy Norman

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-25-23	Veronica Hassig	
2-25-23	Dean McKinney	
2-26-23	Jeff Smith	
2/26/23	Anne R. Fredmore	
2-24-23	Jennifer Belue	
2-26-23	Danielle Floyd	
2/26/23	Leslie Heintzberger	
2/26/23	HANK HEINTZBERGER	
2/26/23	Lenard Heintzberger	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/23/2023	Robert Jordan	Robert Jordan
2/24/2023	William P. Mills Jr.	William P. Mills J
2/24/2023	BARBARA C. Mills	Barbara C. Mills
2/24/2023	Manuel Quesada	Manuel Quesada
2/24/2023	Antwon Harris	Antwon Harris
2/24/2023	JOSHUA L. SUMMERS	
2/24/2023	Melanie M. Maxwell	Melanie M. Maxwell
2/24/2023		LAURA Summers
2/24/2023	Donald H.C. Maxwell	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/22/23	Betty Anne Howell	
2/24/23	Patricia Griffin	
2/26/23	Matthew Oliver	
2/26/23	Kerrie Pennington	
2/26/23	Virginia Barrette	
2/26/23	Camille Pennington	Camille Pennington
2/26/23	Nora Pennington	Nora Pennington

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Applicatic for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/26/23	K. AMY CECE	X
2/26/23	MICHAEL CECE	X
2/26/23	ELLA CATE CECE	X
2/26/23	EMMERSON CECE	X
2/26/23	Toni Bergund	
2/26/23	Tracey Bergund	
2/26/23	LAUREN BERGLUND	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
02.26.2023	SHANNA MAULDIN	
02.26.2023	MARTHA HALL SHANKLIN	
02-26-2023	Francis P. Quantz	
02/24/2023	Kaya L Benson	
02/26/23	PETER SHANAHAN	
02/26/23	CISELE O'GRADY	
02/26/23	Harriet P. Lewis	
2.26.23	CLAIRE MOORE	
2.24	Jenny Taylor	
2/26/23	Meghan Kaergel	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/23	Roberta McKinney	Roberta McKinney
2/24/23	ANITA S. WILLIAMSON	
2/24/23	BONNIE LINGERFELT	
2/25/23	Nelson Minnick	
2/25/23	DEBRA MINNICK	
2/25/23	JAMES CULLEN	
2/25/23	ANITA CROUSE	
2/25/23	Bryce Knopp	
2/25/23	Jackie Lombard	
2/25/23	Kaitlyn Kubiak	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-25-23	Donald V. Wes	Donald V Wes
2-25-23	Karen Grayson	Karen K. Grayson
2-25-23	David Arends	David Arends
2-25-23	Ben Blackwell	Ben Blackwell
2-25-23	LISA TROTAN	LISA TROTAN
2-25-23	Julie Frederick	JULIE FREDERICK
2/25/23	Jeanne Ahrendt	Jeanne Ahrendt
2/25/23	Jim Ritchie	Jim Ritchie
2/25/23	MARIA MARTZ	Maria Martz
2/26/23	Nan Cullen	Nan Cullen

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

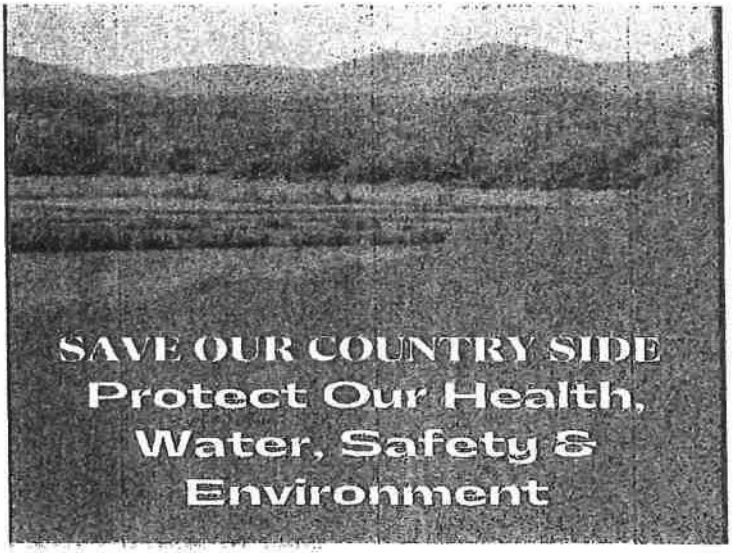
REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-24-23	JOHN CASH	
2-24-23	Melanie Novel	
2-24-23	Kaitlyn Williams	
2/24/23	PEGGY DEAN	
2/24/23	Jeremy Wurs	
2/24/23	Susannah Card	
2/24/23	PAT Voss	
2/25/23		Beth Romney
2/25/23		Diane Cash
2/25/23	Lucy Brannon	



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-26-23	CINDY BONAMARTE	Cindy Bonamarte
2-27-23	DAYLE ALEY	Dayle Aley

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/26/23	Mindy Burgin	Mindy Burgin
2/27/23	ANN HODGE	Ann Hodge
2/27/23	Donnie Hodge	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/21/23	Ken C Fergus	
2/27	Michael R Buckner	
2/27	Jason White	Jason White
2/27	Don Wilson	Don Wilson
2/27		Jeff Barnard

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27/23	Don L. Napper	
2/27/23	Towles D. Napper	
2/28/23	VALARIA DeVine	
2/28/23	Leslie Paul Farkas	
2/28/23	Margaret Burke	
2/28/23	Fredrick Berlinger	Frederick J Berlinger, M.D.
2/28/23	CHARLES LINGERFELT	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/28/23	Tracy Edgerton	Tracy Edgerton
2/28/23	Socia Washington	Socia Washington

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/23	Marylynn Conway	Mary Lynn Conway
2/28/23	Jeffrey Harrison	Jeffrey Harrison
2/28/23	Sarah Harrison	Sarah Harrison

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
26-Feb-23	Benjamin Womick	BF Womick
2-26-23	Jennifer Womick	Jennifer L Womick

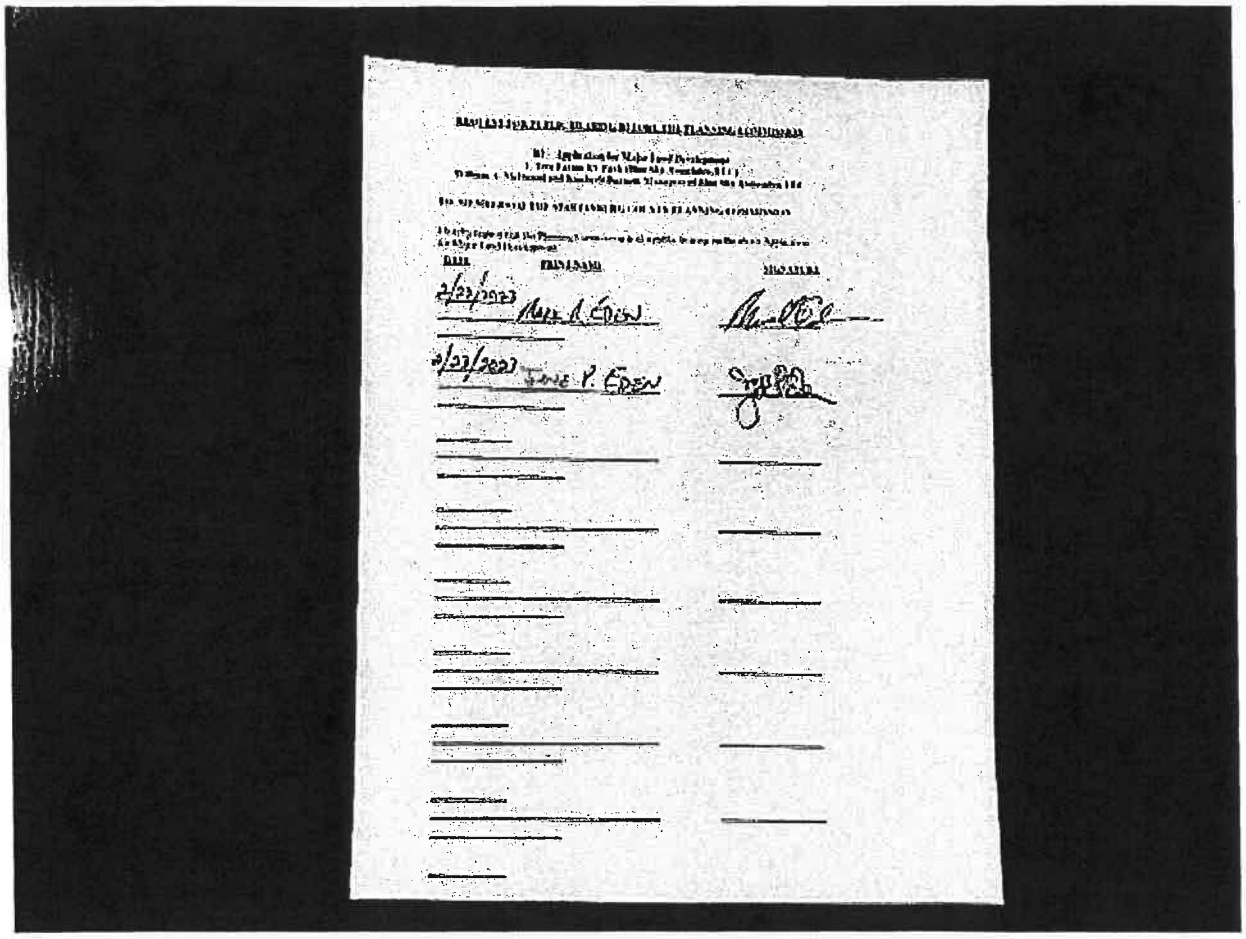
ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Request For Hearing

Mark Eden <MEden@nlec.com>

Sat 2/25/2023 4:19 PM

To: Billy Mills <drwpmills@hotmail.com>



Mark

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more Click Here.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/23	Charles A. Wilkins	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/23	Gwendolyn Dvorkin	Gwendolyn Dvorkin
2/24/23	Howard S. Dvorkin	Howard S. Dvorkin

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/2023	Wm. Dogan Wilson	William Dogan Wilson
2/24/2023	Veronika M. Wilson	Veronika M. Wilson

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/23/23	Lonn Berney	
2/23/23	Kate Berney	Kate Berney
2/24/23	Howard Siegel	Howard Siegel
2/24/23	Robin Siegel	
2/24/23	Rick VanBoxtel	
2/24/23	Alyssa VanBoxtel	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
Feb. 27, 2023	Polly Slater Glover	Polly Slater Glover
2/7/23	ALEX G. GLOVER	

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

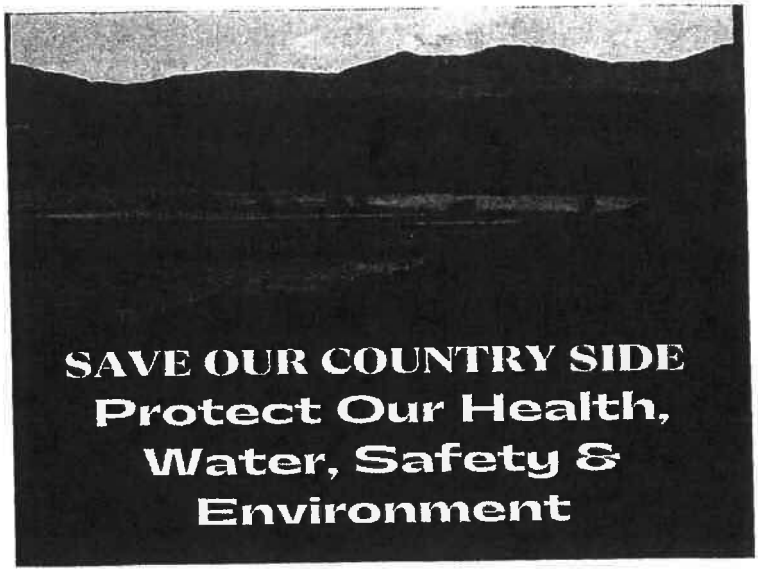
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27/2023	JOHN S. HALDEMAN II	
2/27/2023	Susan L. Haldeman	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/23/2023	Michele Williams	Michele Williams

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/25/23	Helmuth von Bluecher	
2/25/23	Charlene von Bluecher	
2/28/2023	Tescha von Bluecher	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

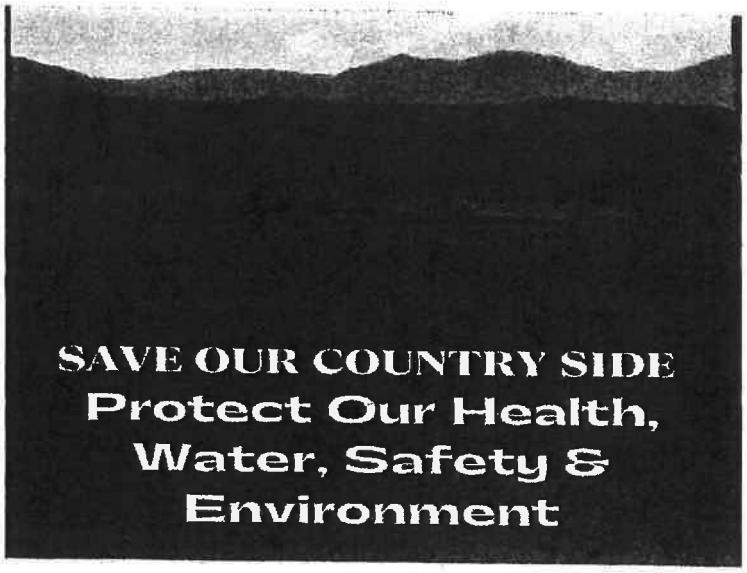
REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27/23	John Quackenbush	
2 23 23	[illegible] QUATTLEBAUMS	



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

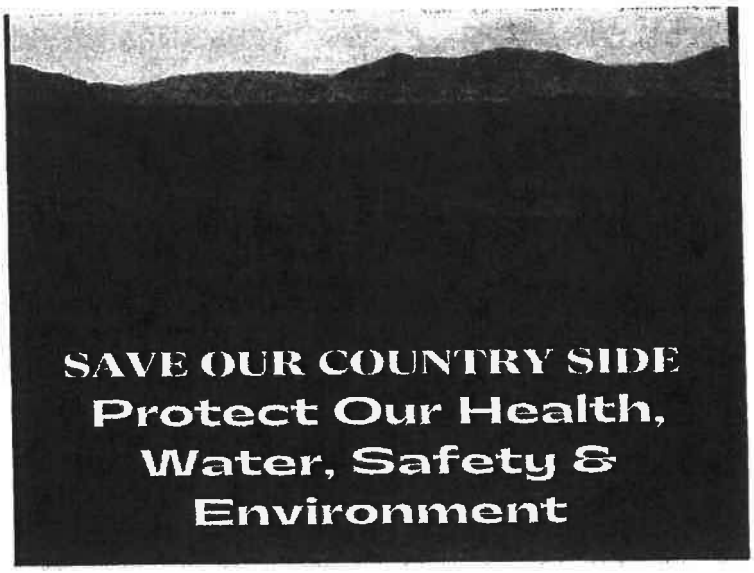
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27/23	Philippe Farrell	Philippe D Farrell
2/27/23	Ryan Ferne	
2/27/23	MELISSA WIARD	Melissa Wiard
2/27/23	Tammy Mooney	Tammy Mooney

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27/23	ERIC NIX	
2/27/23	HANK NIX	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/23	Cornelia Alexander	Cornelia Alexander
2/24/23	Eris J. Alexander	E/A
2/24/23	Becky Sue Tolbert	B
2-27	Steven Stotts	Steven Stotts
2-27	Matt Rainey	MattR
2-27	Robert Jordan	RBJ

uthentisign ID: 2426331A-38CB-491B-A6E0-2F80AF8FCDC5

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
02/26/2023	TRUX EMERSON	Authentisign Trux Emerson 2/26/2023 3:14:15 PM EST
02/26/2023	Durbin EMERSON	Authentisign Durbin Emerson 2/26/2023 6:48:25 PM EST

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/26/23	LISA BEZZEG	Lisa H Bezzeg
2/26/23	BOB BEZZEG	Robert M Bezzeg



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

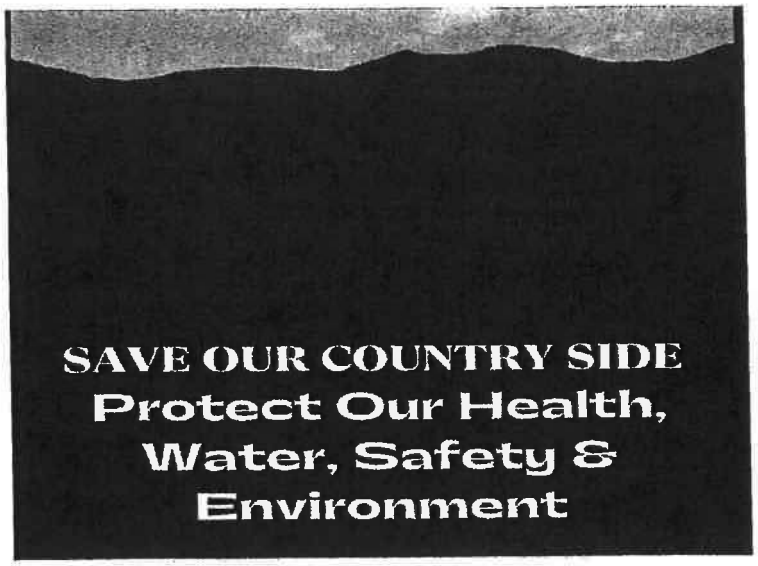
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27/23	Stacey Lindsay	Stacey Lindsay
2-27-23	TERRY SCHAGER	TERRY SCHAGER
2/27/23	Laura Bouchard	Laura Bouchard

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/23	Megan Wallace Rubens	Megan Wallace Rubens
2/24/23	William Rubens	
2/26/23	Madelon Wallace	Madelon Wallace

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

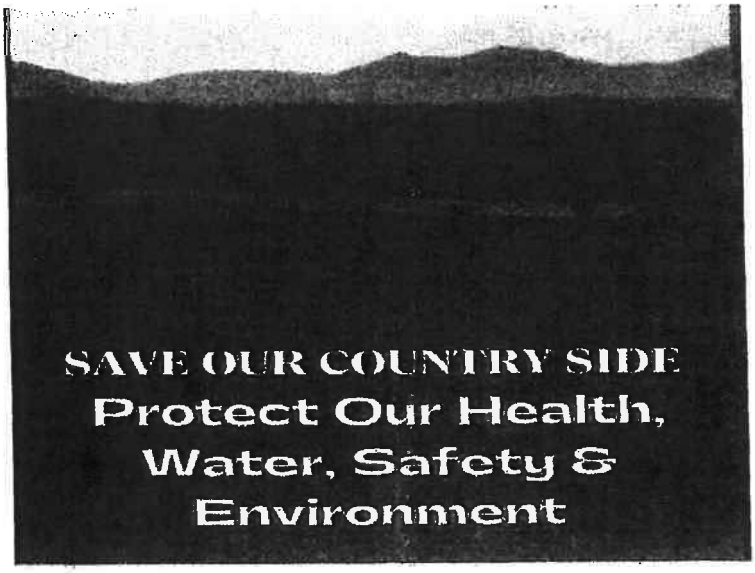
REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27/23	Judy Warden	Judy Warden
2/27/23	Shelley Dayton	Shelley Dayton
2/27/23	Vivian Cheek	Vivian Cheek
2/27/23	William Cheek	



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

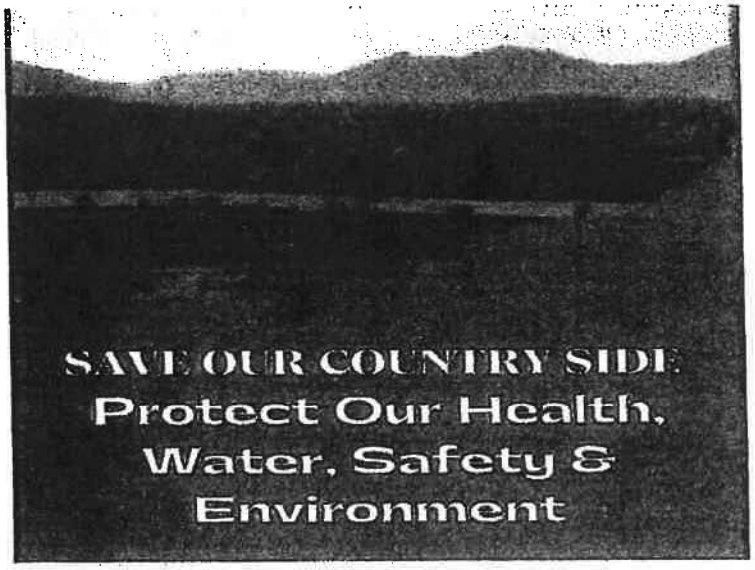
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-27	Chelsey Mosteller	
2-27		

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

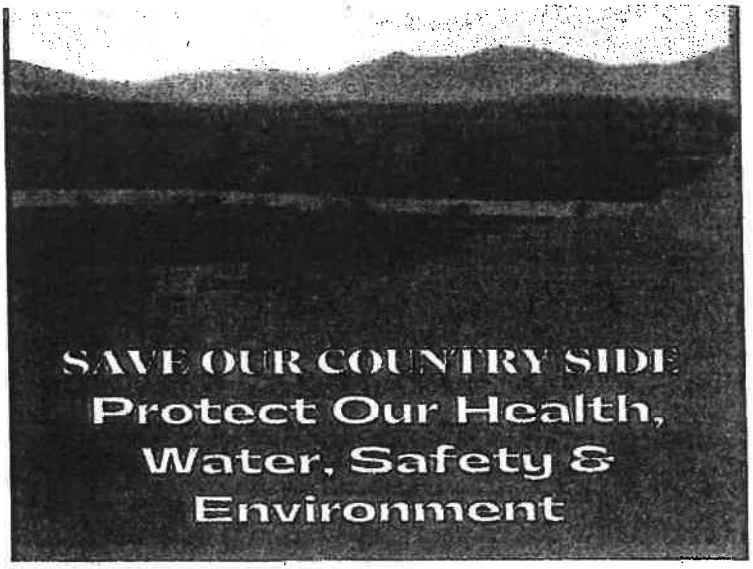
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
7/27	Anthony Fiesler	
	Gregory Fiesler	Gregory Fiesler
	Keith Koons	Keith Koons

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27/23	ULA H. EMERY	Ula H. Emery
2/27/23	JANICE EMERY	Janice A. Emery

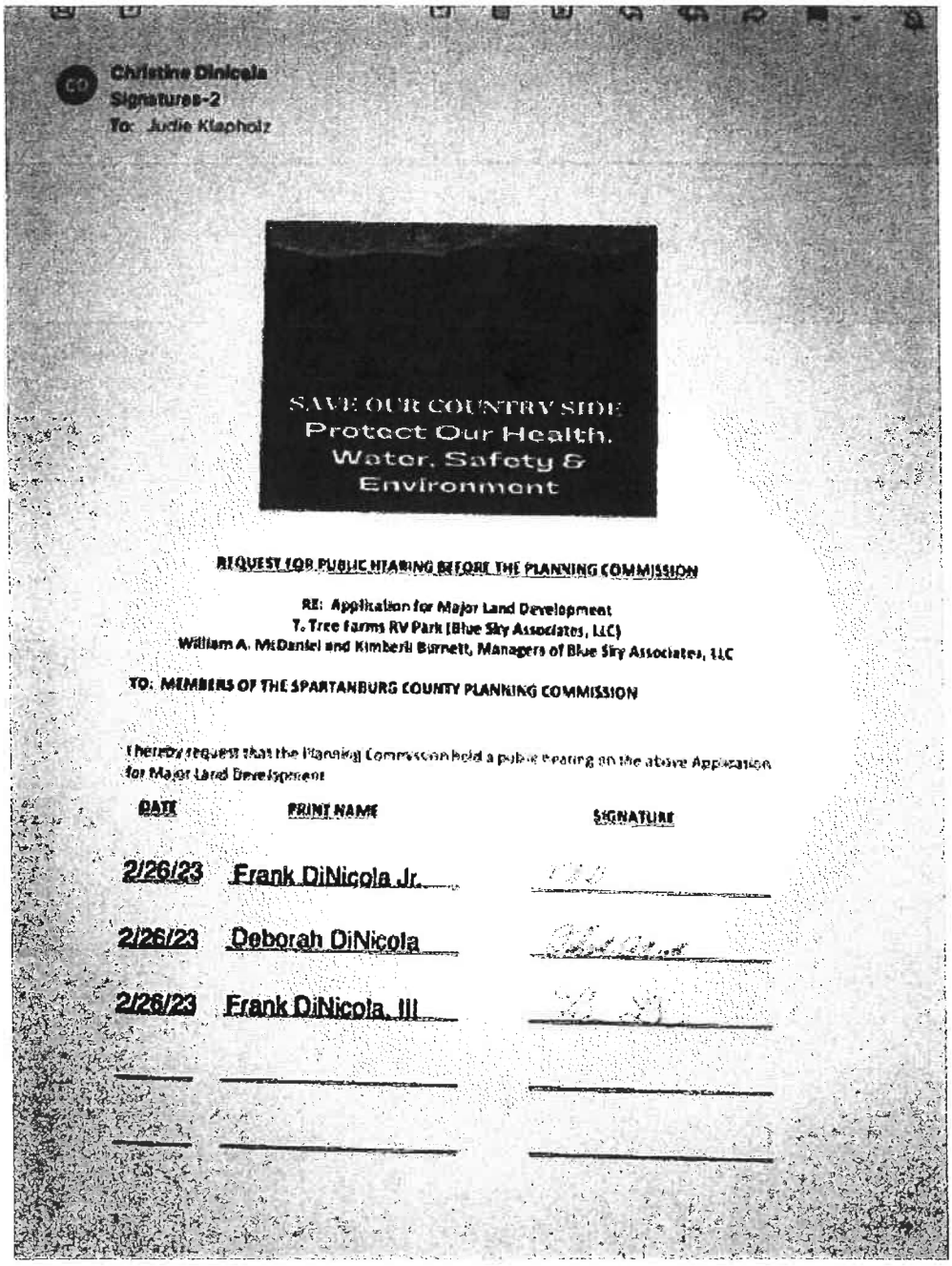
ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

From: **amy Barrington** amygregben@windstream.net
Subject: Rv park protest
Date: February 26, 2023 at 7:53 AM
To: 13judierose@gmail.com

Amy Barrington, Greg schlappi
Sent from my iPhone

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

From: **Judie Klapholz** 13judierose@gmail.com
Subject: Request for PC Public Hearing
Date: February 27, 2023 at 8:41 AM
To: Judie Klapholz 13judierose@gmail.com



Christine Dinicola
Signatures-2
To: Judie Klapholz

SAVE OUR COUNTRY SIDE
Protect Our Health,
Water, Safety &
Environment

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development

DATE	PRINT NAME	SIGNATURE
2/26/23	Frank DiNicola Jr.	
2/26/23	Deborah DiNicola	
2/26/23	Frank DiNicola, III	

Judie

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

From: **Lori Zolides** lori.zolides@gmail.com
Subject: RV park hearing request
Date: February 25, 2023 at 4:23 PM
To: 13judierose@gmail.com

Lori Zolides
Harry Zolides

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

From: **Jamie Corn** jec828@msn.com
Subject: Re: ⁂ REPLY REQUESTED - ASAP - ⁂ RE: RV PARK –Citizens' Request for Public Hearing
Date: February 25, 2023 at 5:42 PM
To: Judie Klapholz 13judierose@gmail.com

Jamie Corn Dunn and Will Dunn request a citizens request for a public's hearing on the matter above. (Proposed RV park)

Sent from my iPhone

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

From: **Stephanie Bailey** stephaniebailey_us@yahoo.com
Subject: Re: ✳ REPLY REQUESTED - ASAP - ✳ RE: RV PARK –Citizens' Request for Public Hearing
Date: February 26, 2023 at 1:55 PM
To: Judie Klapholz 13judierose@gmail.com

Jeffrey Bailey
Stephanie Bailey
Robert Bailey
Caitlyn Case
George Case

Sent from my iPad

From: **Arielle Steinhart** ariellesteinhart@gmail.com
Subject: Re: ✳ REPLY REQUESTED - ASAP - ✳ RE: RV PARK –Citizens' Request for Public Hearing
Date: February 25, 2023 at 6:52 PM
To: Judie Klapholz 13judierose@gmail.com

Arielle Steinhart
Patrick Glose

From: **chris allan** chrisallan0@yahoo.com
Subject: Re: Request for signature
Date: February 26, 2023 at 10:06 PM
To: Judie Klapholz 13judierose@gmail.com

Please include me in the petition

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

From: **BERNICE GORDON** ndovu93@aol.com
Subject: Request For Public Hearing
Date: February 25, 2023 at 5:16 PM
To: 13judierose@gmail.com

Bernice and Arnold Gordon
Sent from my iPhone

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

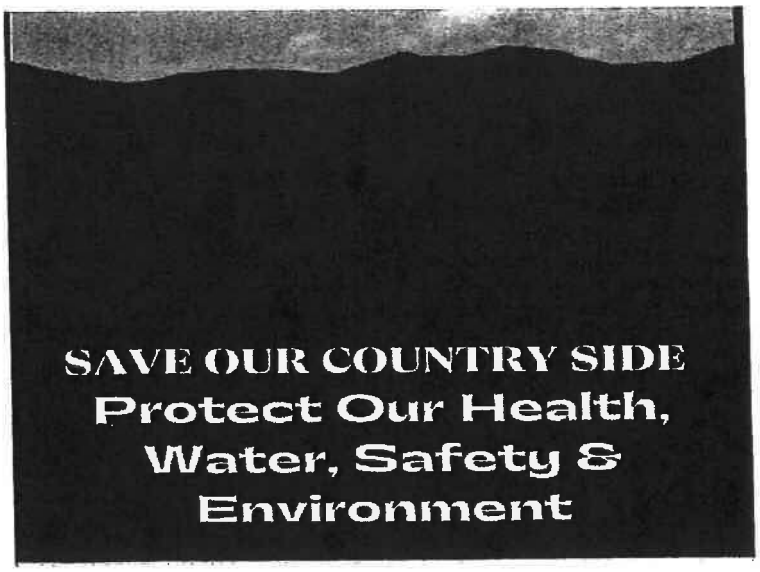
From: **Judie Klapholz** 13judierose@gmail.com
Subject: Re: ⁂ REPLY REQUESTED - ASAP - ⁂ RE: RV PARK –Citizens' Request for Public Hearing
Date: February 27, 2023 at 8:56 AM
To: Judie Klapholz 13judierose@gmail.com

Maris Nyhart <maris.nyhart@gmail.com>
Attachments
Sun, Feb 26, 4:58 PM (15 hours ago)

Please add my name! Maris Nyhart

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Authentisign ID: 388C8F50-A4E0-4E02-A84F-F9C50EB5FBEE



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

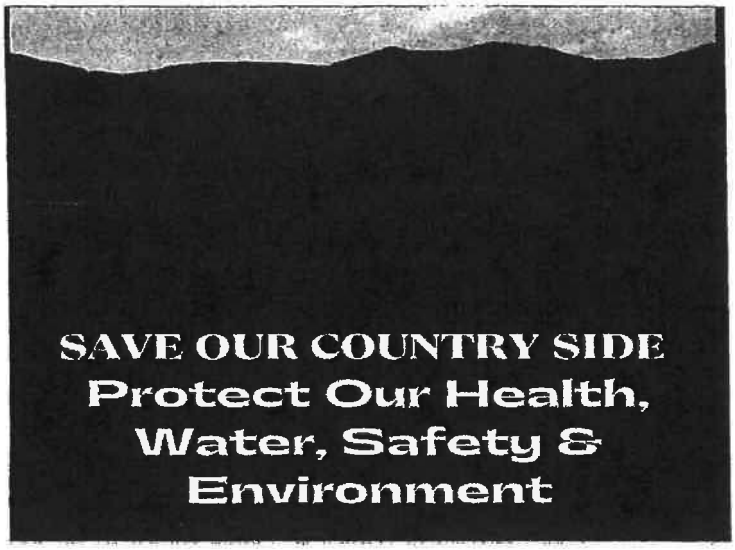
TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/23	Megan Wallace Rubens	Megan Wallace Rubens
2/24/23	William A Rubens	William A Rubens
2/26/23	Madelon Wallace	Madelon Wallace
02/28/2023	Kristen King	Authentisign Kristen King 2/28/2023 12:36:32 PM EST

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/28/23	Patricia Nagy	
2/28/23	Eddie Parks	
2/28/23	Suzanne Strickland	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

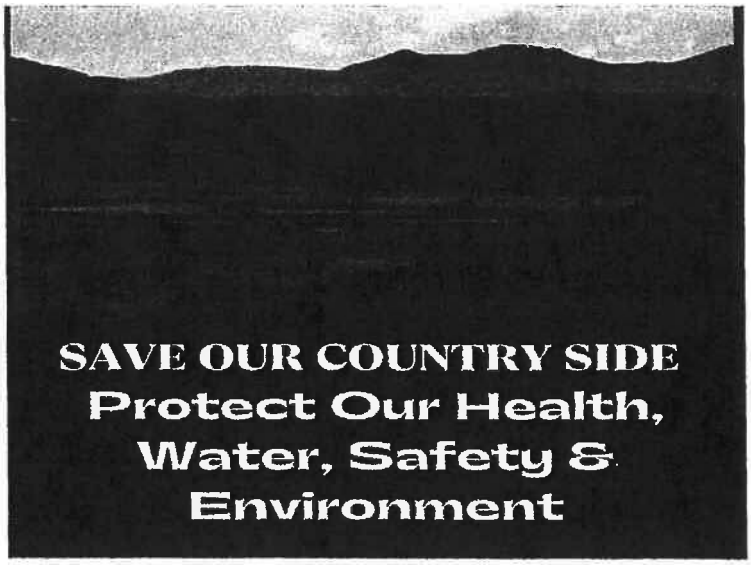
REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/25/2023	JOHN MONAHAN	
2/25/2023	Janet B Glancy	Janet B Glancy
2/25/2023	LARRY W. AULTMAN	Larry W. Aultman
2/25/2023	Joyce W Aultman	Joyce W. Aultman
2/25/2023	Amanda Malock	
2/25/2023	Kathleen P Deglomine	Kathleen P Deglomine
2/25/2023	Peter M Deglomine	
2/25/23	JEFF MALOCK	
2/25/23	HUGH SNIVELY	Hugh Snively
2/25/23	Erika Junge	ERIKA JUNGE
2/25/23	Jurgen Junge	JURGEN JUNGE
2/25/23	Laura Shakeman	



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

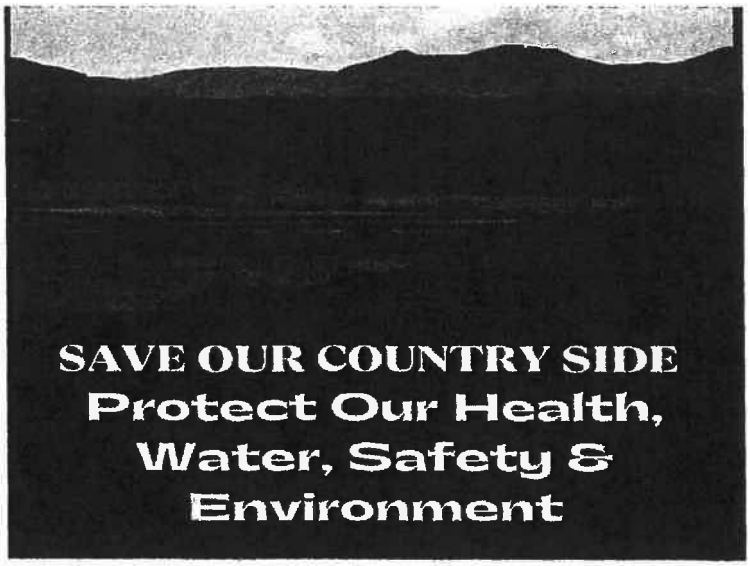
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/25/23	Karin Sadler	Karin Sadler

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

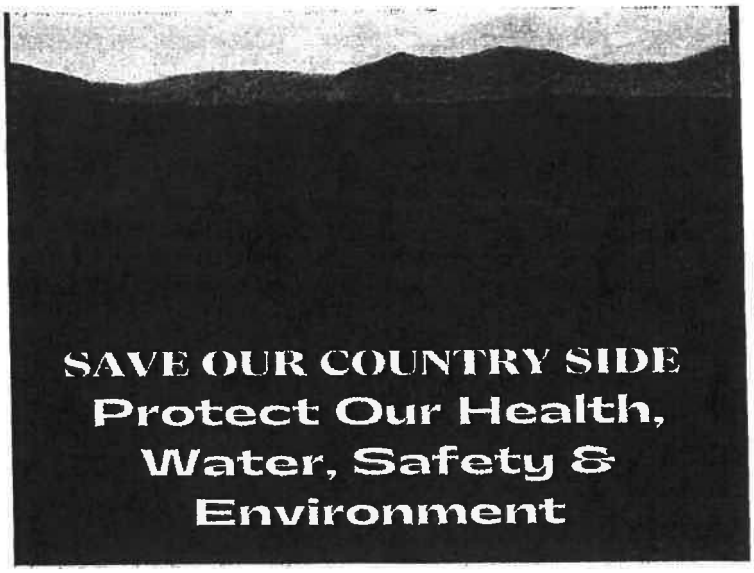
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-25-23	Jennifer Kim	
2-25-23	[illegible]	
2/25/23	JAN Stevens	
2/25/23	[illegible]	
[illegible]	[illegible]	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/25/23	Beverly Ozmon	
2/25/23	Suzanne Nigrelli	
2/25/23	James Capsalis	
2/25/23	Amanda Postier	
2/25/23	SEAN GAUL	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

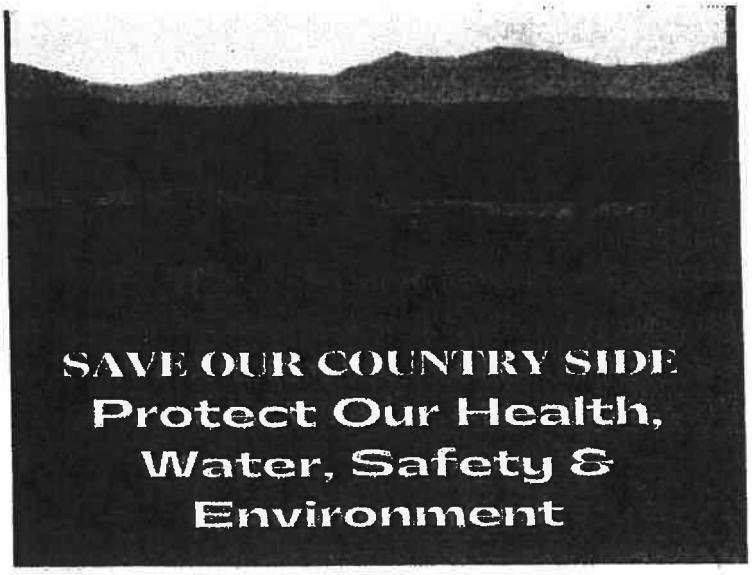
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/23	Gregory Hall	Greg Hall
2/24/23	Trisha Hall	Trisha Hall
2/26/23	PATRICK E KNIGHT	Patrick E Knight
2/26/23	Kimberli H. Nichols	Kimberli H Nichols
2/26/23	Eugene Nichols	Eugene Nichols

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

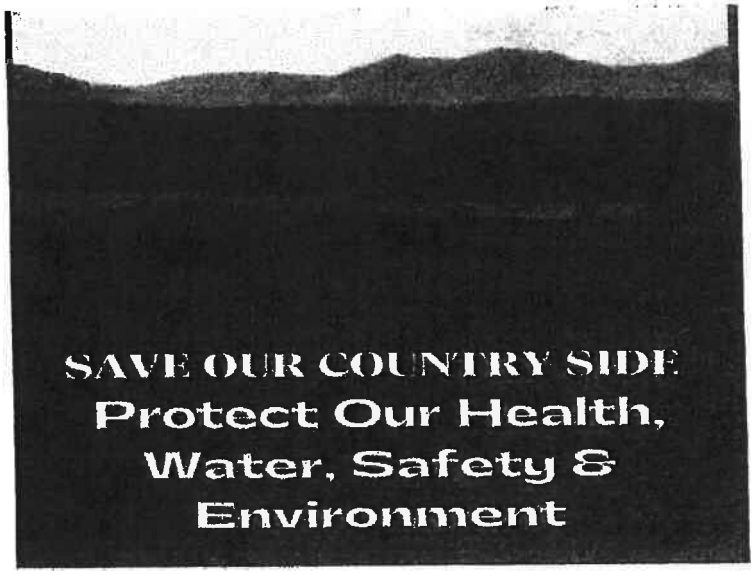
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-27-23	Phillip Davis	
2-27-23	Chris Price	
2-27-23	Shane Eubanks	
2/27/23	Isabelle Nix	
2/27/23	Travis Bolding	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

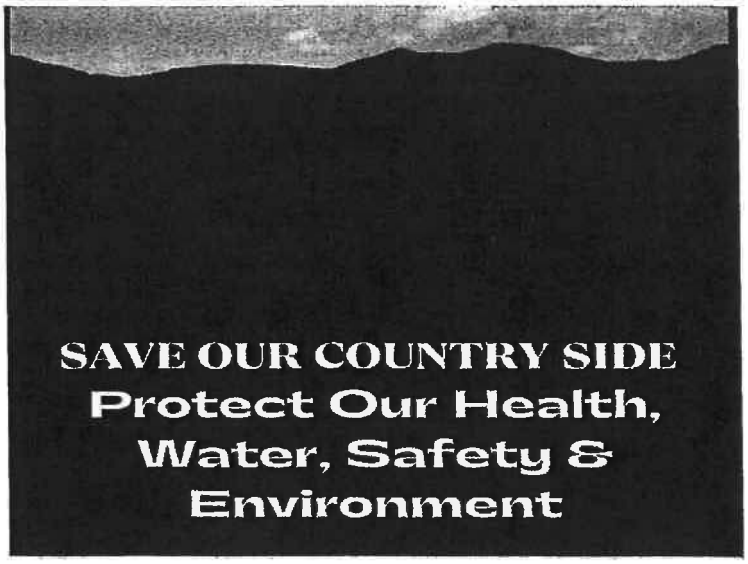
TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27/23	Stephanie Bolding	Stephanie P. Bolding
2/27/23	Philip Martin	Philip Martin
2/27/23	Atwell Gray	Atwell Gray
2/27/23	Ivy Arnold	Ivy Arnold
2/27/23	Latisha Gray	Latisha Gray

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



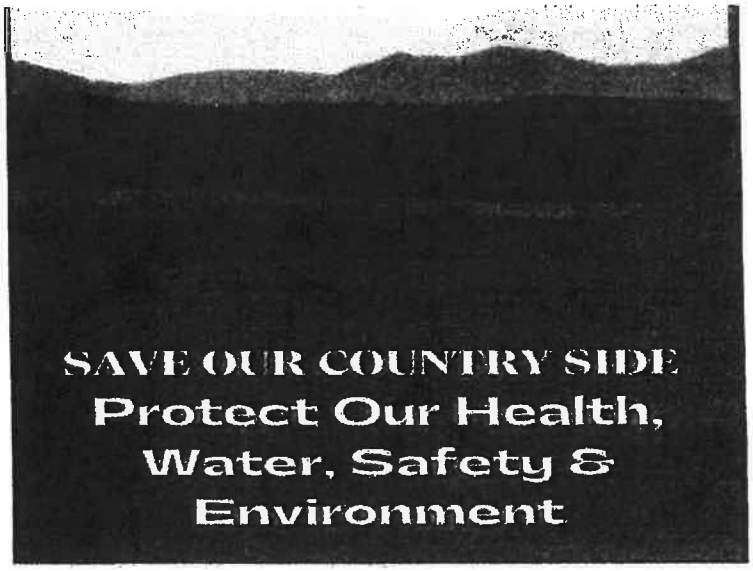
REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27/23	Mary A. Heckman - Singh	Mary A. Heckman - Singh
2-27-23	Eleanor J Williams	Eleanor J Williams
2/27/23	James E. Grubb Jr.	James E. Grubb Jr.
2/27/23	Dawn Bird	Dawn Bird
2/27/23	David Bird	David Bird



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

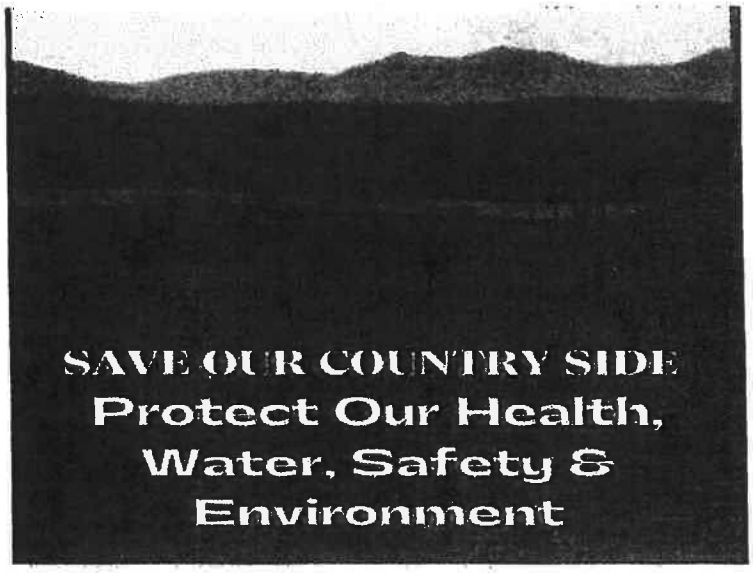
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-25-23	Mason A. Tidwell	Mason Tidwell
2-25-23	Nathan B Williams	Nathan Williams
2-25-23	Cole L. Dotson	Cole L. Dotson
2-25-23	William Tate	William Tate
2/25/23	L.J. MEYERS	L.J. Meyers

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

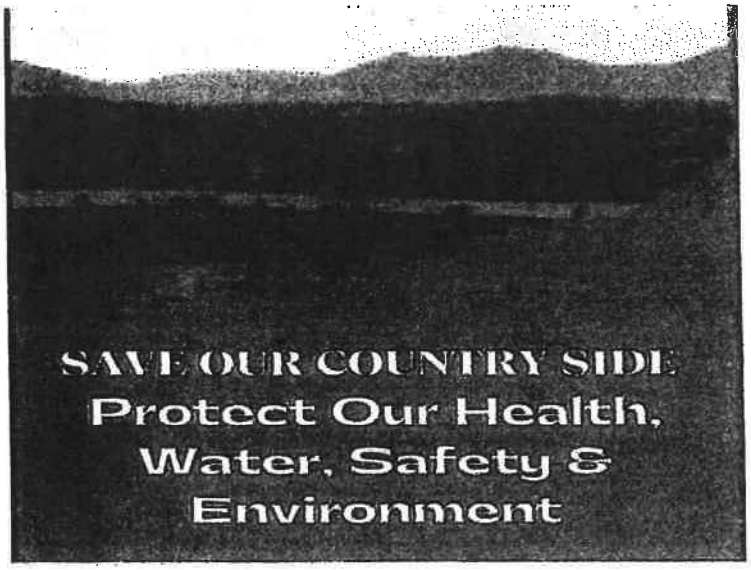
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-25	Lane Parker	Lane Parker
2-25	Dean Jukos	D. Juk
2-25	[illegible]	Randall W. Williams
2-25	Kathy Jukes	Kathy Jukes
2-25	Jacqueline Kopp	[illegible]

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

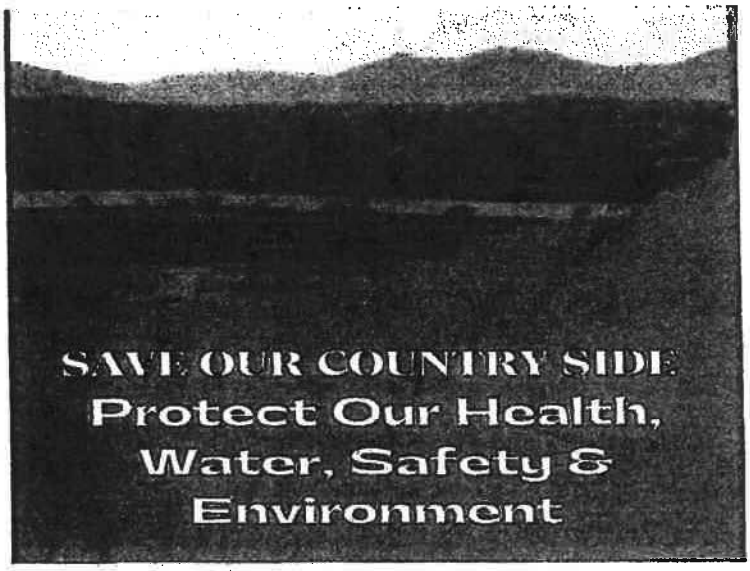
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-27-23	Joe Woodfin	Joe Woodfin
2-27-23	Georgia Foster	
2-27-23	Heather Miller	
2-27-23	Jamie Powell	
2-27-23	Matthew Tillotson	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

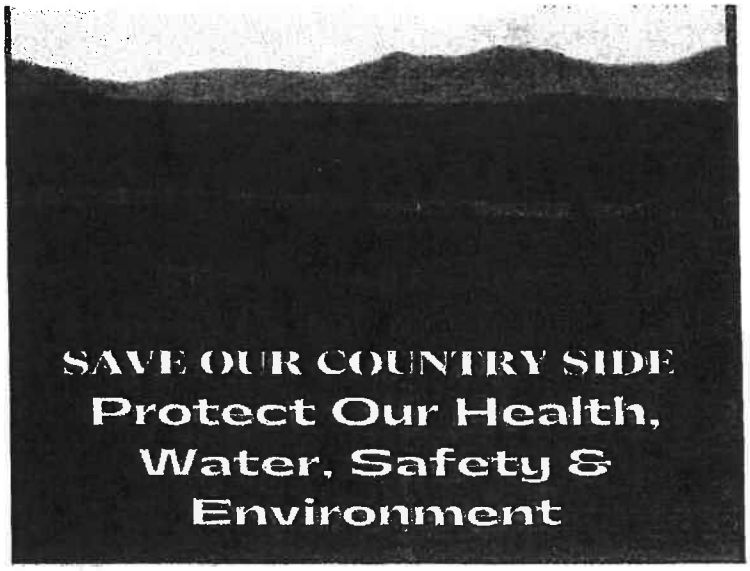
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27	Mary McInerney	M McInerney
2/27	Lisa Roe	Lisa Roe
2/27	[illegible]	Ashley Gosnell
2/27	[illegible]	Scooter
2/27	Stephanie Howard	Stephanie Howard

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

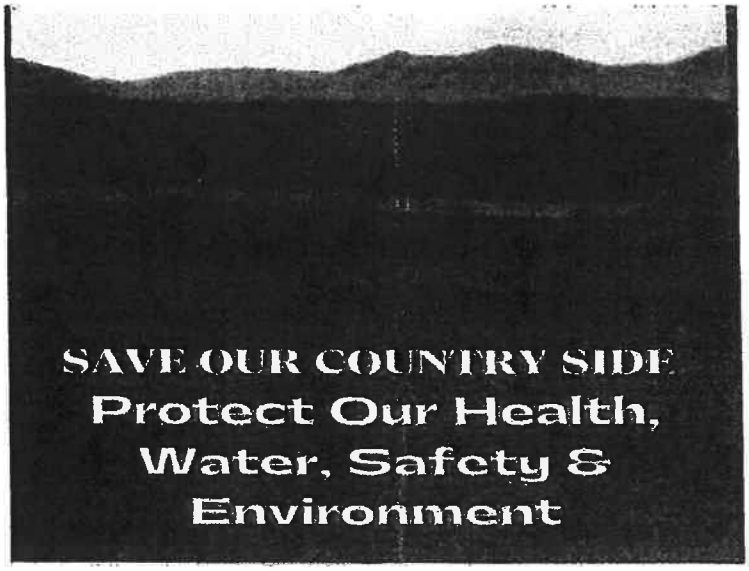
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-27-23	Burgess R. Solobee	Burgess R. Solobee
2-27-23	Lael Dean	Lael Dean
2-27-23	Brenda G Gibbs	Brenda G Gibbs
2-27-23	Darby Mitchell	Darby Mitchell
2-27	David A Mussler	David A Mussler

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

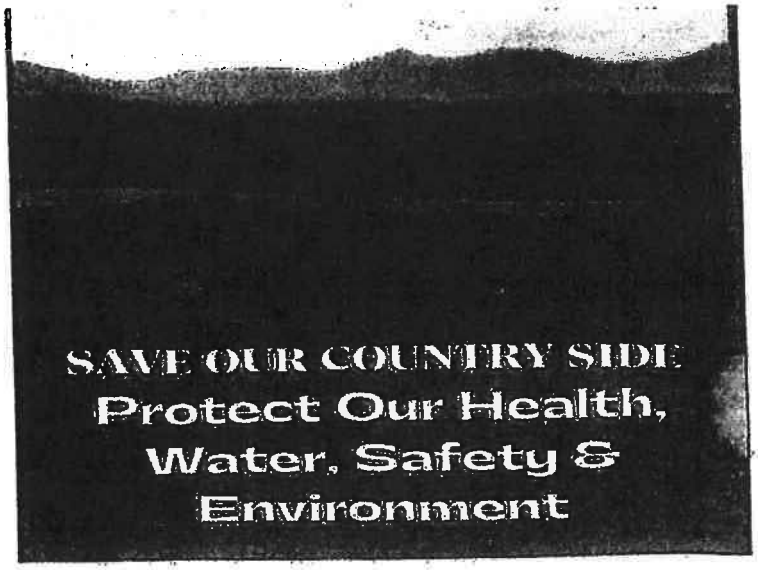
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/28	Teresa Zahnd	Teresa Zahnd
2/28	Kris Guerra	Kris Guerra
2/28	J Sunshine Purdy	J Sunshine Purdy
2/28	Lori Pruett	Lori Pruett
2/28	Pat STROTHER	Pat Strother

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

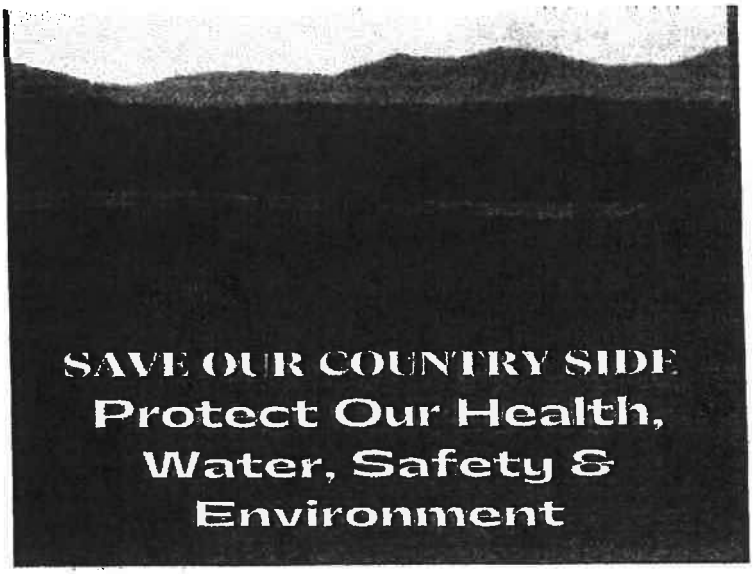
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27/2023	David Robertson	
2/27/23	Geri Robertson	
2/27/23	Kaydin Robertson	
2/27/23	Lindsey Robertson	
2/27/23	Linda Shearin	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

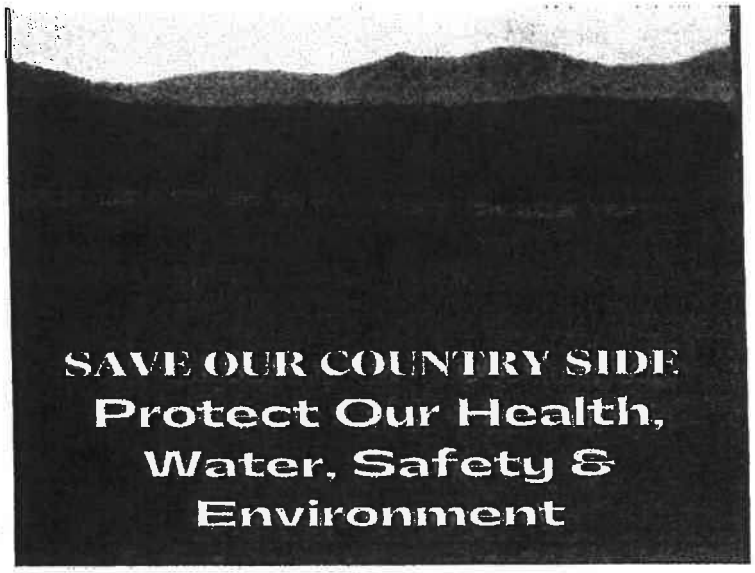
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/26/23	Heather Chapman	Heather Chapman
2/26/23	Shane Johnson	Shane Johnson
2/26/23	Abnelle Chapman	Abnelle Chapman
2/26/23	Grayson Murray	Grayson Murray
2/26/23	Anita Clyburn	Anita Clyburn

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

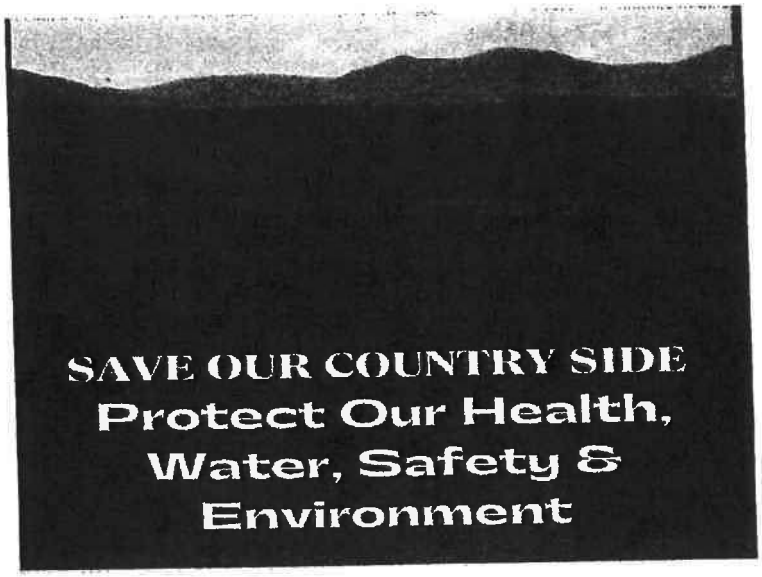
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/26/23	Debbie Chapman	Debbie Chapman
2/26/23	Eleida Dann	Eleida Dann
02-26-23	Phillip Parker	
2/26/23	CAROLE VIARS	Carole Viars
2/26/23	Joseph W Viars	Joseph W Viars

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/28/23	Derek Coulter	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

Date	Print Name	Signature
2/22/2023	Sharon Mathis	Sharon Mathis
2/25/23	Jasmine Pierce	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

From: Mike Blackwell mike@scenictool.com
Subject: Signed request for public hearing
Date: February 26, 2023 at 12:50 PM
To: Judie Klapholz 13judierose@gmail.com

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	SIGNATURE	PRINT NAME
2-26-23	Michael R Blackwell	Michael R. Blackwell
2-26-23	Thelma M. Blackwell	Thelma M. Blackwell

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

From: **Roxanne Wojan** rwojan@gmail.com
Subject: Re: ✳ REPLY REQUESTED - ASAP - ✳ RE: RV PARK –Citizens' Request for Public Hearing
Date: February 27, 2023 at 10:38 AM
To: Judie Klapholz 13judierose@gmail.com

Hi

[redacted]



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/25	Robin Mahon	Robin Mahon
2/25	MIKE MAHON	Mike Mahon
2/26	BOB HELLMAN	Bob Hellman
2/26	Betty Hellman	Betty Hellman

Sent from my iPhone

> On Feb 23, 2023, at 10:15 PM, Judie Klapholz <13judierose@gmail.com> wrote:
>
> ✳ REPLY REQUESTED - ASAP - ✳
> RE: RV PARK –Citizens' Request for Public Hearing

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-27-23	Donna Erskine	Donna Erskine
2-27-23	Patricia Shadows	Patricia Shadows
2-27-23	Janice M Dunn	Janice Dunn
2-28-23	Eva A. Henk	Eva Henk



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/27	Ginger Schaltkopf	
2/27	James Schneider	
2/27	Mollie Fultz	
2/27	Matt Marchese	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/25/23	JEFFREY VARGO	
2/25/23	SHARON VARGO	
2/25/23	GORDON CWIK	
2/25/23	GARY L. POAGUE	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

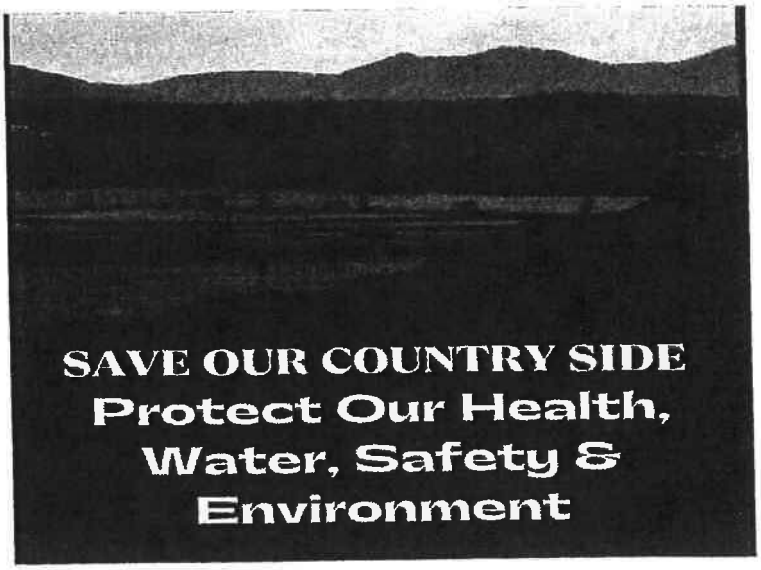
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/23	Robbie W. Hambright	Robbie W. Hambright
2/24/23	G M Hambright	G M Hambright

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

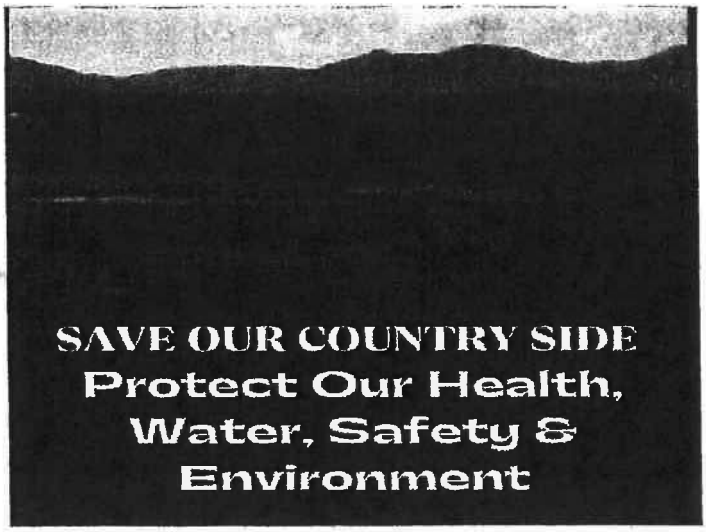
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24	W GUY SPRIGGS	
2/24	LISA SPRIGGS	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

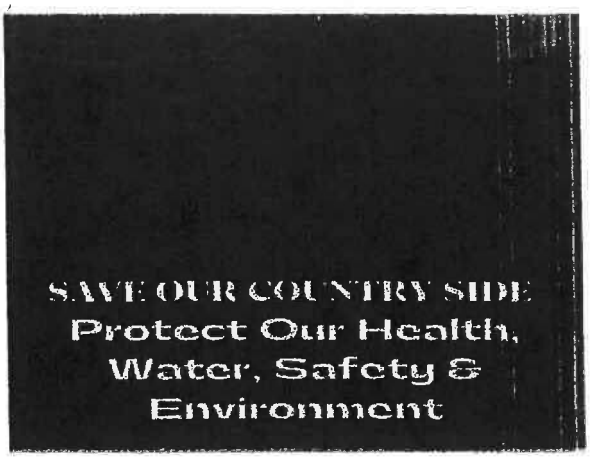
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/23	Charles Y. Thomason III	Charles Y. T
2/24/2023	Sally W. Thomason	Sally W. Thomason

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

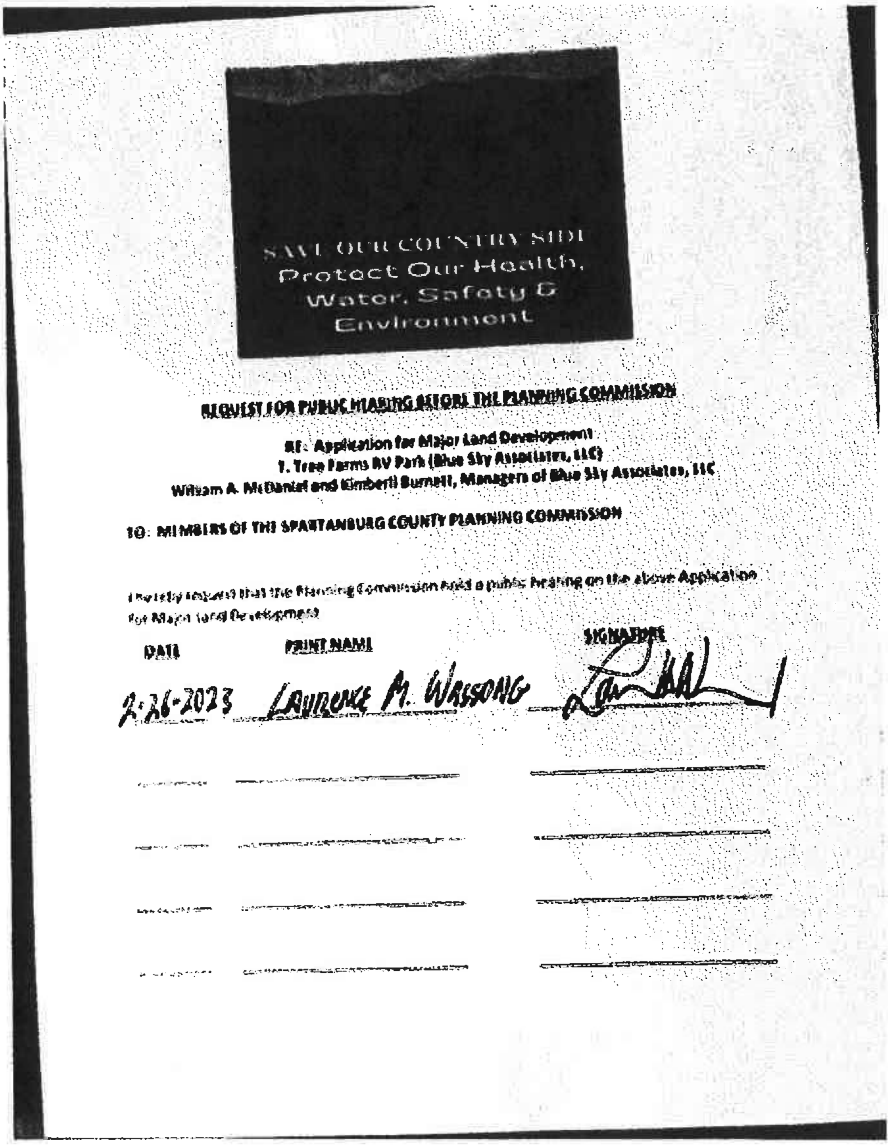
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/23	Shellyl McGivney	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development

DATE	PRINT NAME	SIGNATURE
2-26-2023	LAWRENCE M. WASSONG	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

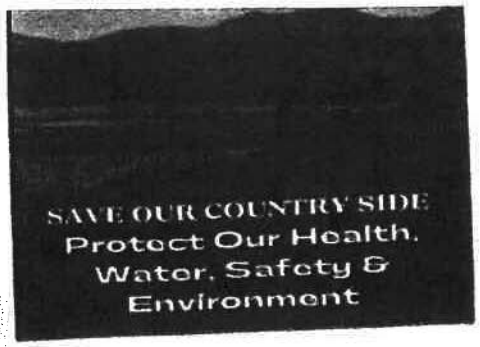
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/24/23	Jonathan L. Poole	
2/25/23	Stephanie Poole	
2/25/23	Jackson Poole	Jackson Poole
2/25/23	Callie Poole	Callie Poole

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/26/23	Mac Burrows	
2/26/23	Robert L Hurst	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/26/2023	Donna Hagreen	Donna Hagreen
02/26/2023	KENNETH J HAGREEN	Kenneth J Hagreen

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-26-23	Dr. Brinnae Bent	Dr. Brinnae Bent BSB
2-26-23	Ryan Bolick	Ryan Bolick BSB
2-26-23	Bentley Bolick	Bentley Bolick BSB

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

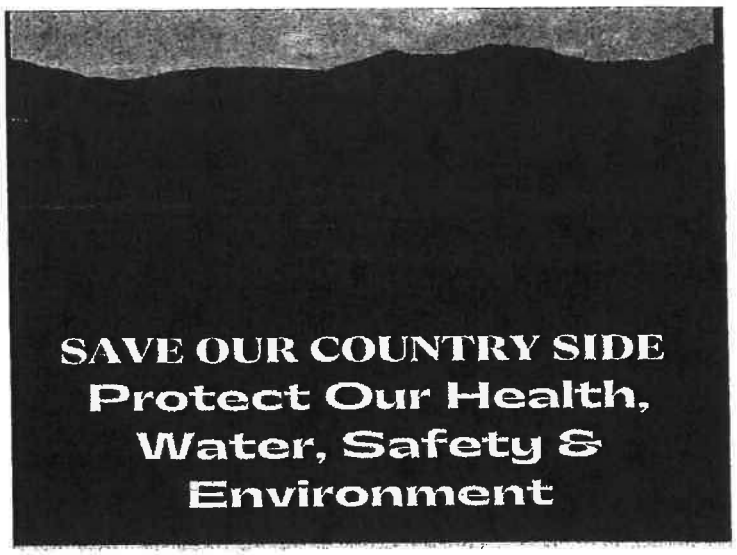
RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2/26/2023	Humberto Besú	Humberto Besu
2/26/23	Elisia Besu	Elisia Besu
2/26/23	Daniel Besú	
2/26/23	David Besu	David Besu

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
02/27/23	Dominick Pagni	dominick pagni
02/27/23	Michelle Pagni	MICHELLE PAGNI

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

I hereby request that the Planning Commission hold a public hearing on the above Application for Major Land Development.

DATE	PRINT NAME	SIGNATURE
2-27-23	Don Lamb	
2.27.23	Andrea Lamb	

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

MacDonald, Leigh

From: [redacted]
Sent: Saturday, March 4, 2023 12:01 PM
To: [redacted]
Cc:

Subject: Proposed T. Tree Farms (RV park) project

JOAN & LEIGH -- I trust that your staff (Linda, Juliet, Rachel) gave you the envelopes that were delivered for you to your office on Tuesday, February 28th. Assuming that you have read the Request for Public Hearing and the accompanying cover letter addressed to Joan regarding the proposed T. Tree Farms (Blue Sky) RV park project, do you have any questions or concerns that we, the Concerned Citizens, can address? The Concerned Citizens want you to have the benefit of their research, information, and concerns as you review the T. Tree Farms RV project.

What is the status of the Request for a Public Hearing? Will that be a decision for the PC on March 7th?

Also, Concerned Citizens requested postponing the PC decision on the T. Tree Farms RV park project until such time as the County responds to a FOIA request on this matter and a Public Hearing on this matter is held. Who establishes the PC Agenda? Who makes PC Agenda postponement decisions? Will this be a decision for the PC on March 7th?

The PC Agenda was posted yesterday (Friday, March 3rd, at 8:18AM) online on the County Agenda Center and included T. Tree Farms at Section 7-B-3. Who made the decision for T. Tree Farms to be on the March 7th PC Agenda? There is a lot of key information that concerned community citizens have to offer that has not been considered in the review and recommendation process.

Also, note that the PC Agenda is required to be posted at least five (5) days prior to each regular meeting. The Agenda posting for March noted above appears to be a day late.

If the PC is to make a decision based upon the Staff Report (dated March 7, 2023 and including a Staff Recommendation conditionally granting Site Plan approval) included with the posted Agenda for the March 7, 2023 PC Meeting, the Concerned Citizens (450 signed the Request for Public Hearing) again respectfully request to be heard to provide essential information to be considered in the review and decision-making process.

Best Regards--

Russ Rock
[redacted]

This email is for the sole use of the intended recipient and may contain information that is confidential, privileged, and/or attorney work product. If you are not the intended recipient,

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

From: William Mills <drwpmills@hotmail.com>
Date: March 6, 2023 at 8:53:00 AM EST
To: whitnerk@bellsouth.net, tmcplumb@bellsouth.net, tmccall@randerson.org
Subject: Planning Commission (PC) Meeting 7 March 2023

Planning Commission Chairman Kennedy and Vice Chairman McCall,

I am requesting that a few concerned citizens and I be recognized by the PC Chairman and invited to speak at the March 7, 2023 PC Meeting. This would be in accordance with the PC Rules and Procedures Article II, Section 7. We are requesting to speak regarding the T. Tree Farms major land development project listed on the published agenda at 7,B,3. Please advise by reply if you will allow us to address the PC as to road safety, public safety/health/welfare, flawed septic permit, water source, fire prevention, a warranted Public Hearing, ULMO violations, and other relevant concerns.
In that it is March 6th, a quick reply to this request will be appreciated.

The Staff Report and Recommendation dated March 7, 2023, which is included with the published agenda materials, is distorted, inaccurate, and incomplete. A new, revised site plan dated March 1, 2023 is included with the published agenda materials, which were published on March 3, 2023. The revised site plan more than doubles the size of the project per the application from 15 to 38 acres without comment or explanation. There is a clear and alarming lack of transparency to the PC and to affected citizens.

You and the other PC commissioners have been provided a formal *Request for Public Hearing before the Planning Commission* signed by or on behalf of 449 residents, taxpayers, and/or interested parties. The PC deserves to have all relevant information in order to have a meaningful review and make an informed decision. All sides should be heard.

By way of brief personal background, my parents moved our family to Spartanburg county in 1951. I attended public schools and was raised in Spartanburg County. I am a U.S. Army veteran having retired as a Colonel after 27 years of service. I am also a retired Oral and Maxillofacial Surgeon after practicing in Spartanburg County for 23 years. My wife and I reside in Spartanburg County a short distance from the proposed RV park. We have loved living here for 27 years, and raised our daughter here. She is now an Oral and Maxillofacial Surgeon and took over my practice in Spartanburg. She resides in Spartanburg County with her husband, a General Dentist, and my four grandchildren. We all, as many others, signed the request for a Public Hearing and expect our county government to be inclusive, to listen to others, and to act lawfully and responsibly.

By way of project background, the developer first filed an application for this proposed RV park in February, 2021. The PC granted conditional approval in March 2021. In June 2021, concerned citizens came to the regular PC meeting to appeal the PC's granting of conditional approval. Chairman Kennedy was not at the meeting and so Vice Chair McCall asked the concerned

citizens to return for the July meeting. The concerned citizens complied. At the July PC meeting, a few individuals were recognized and invited to speak regarding the proposed RV park project. A formal Appeal was made to the PC and a copy provided to each commissioner and to other key county officials. A few days later, on July 12, 2021, Joan Holliday emailed advising that an official Appeal Form and an appeal fee had to be in to her by 4:30PM the following day in order to be on the August 2, 2021 PC agenda. The concerned citizens hustled and complied, meeting Joan and Senior Planner Darrell Weathers at their office on July 13, 2021. Joan helped complete the Appeal application, which concerned citizens submitted with a check in the amount of $105.00. The check was cashed and all appeared in order to present issues and concerns to the PC at their August 3, 2021 meeting. On the afternoon of July 27, 2021, the PC Agenda for August 3, 2021 was published. The Agenda did not include the Appeal. Later that evening, Joan emailed with an attached letter informing that the PC would not hear the appeal and that a formal Appeal must be filed with the Circuit Court. I refer you to a letter emailed to Joan Holliday on July 30, 2021 providing even more disturbing details on this bungled ball of confusion. I encourage you to obtain a copy and read it for context. An Appeal was filed. It has been in a pending status for some time. Many conditions of the PC's conditional approval remain unfulfilled.

Thank you for your time and for your community service

Best Regards

William P. Mills, Jr. DMD

William P. Mills Jr.,DMD
drwpmills@hotmail.com

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

EMAIL TO VICE CHAIRMAN – REQUEST BY CITIZENS TO SPEAK (2 PAGES)

J.M. TEAGUE
Engineering & Planning
— Est. 2010 —

1155 North Main Street
Waynesville, NC 28786
(P) 828.456.8383
(F) 828.456.8797
www.jmteagueengineering.com

JMTE WAYN 1182

TECHNICAL MEMORANDUM

AUGUST 3, 2021

To: Steve Wood
Homeowner's Association Contact
220 Night Lane
Campobello, SC 29322
swood@allegromc.om

From: David W. Hyder, P.E., Engineering Director *David W. Hyder*
J.M. Teague Engineering & Planning

SUBJECT: Landrum Mill Road Recreational Vehicle (RV) Park Proposal Access and Safety Audit (WAYN 1182)

JMTE was retained to perform a safety and access review for a proposed RV Park at 1970 Landrum Mill Road in Campobello, South Carolina. We understand that the proposed facility is situated on 38 acres of property adjacent to Landrum Mill Road in Spartanburg County, South Carolina.

Our review includes:

- ✓ A site visit and field reconnaissance of the area including driving the potential access roads,
- ✓ Evaluate the quality of access to the proposed RV Park from I-26 at Exit 5 and at Exit 1,
- ✓ Evaluating potential safety impacts of the proposed RV park on nearby roads,
- ✓ Identify current users and potential safety conflicts with new users of the access roads,
- ✓ Measuring the existing sight distance at key points,
- ✓ Measuring roadway widths and documenting conditions, and
- ✓ Developing an opinion of the effect on safety of adding Class A and B recreational vehicles to the traffic mix on roads in the area.

OPINION

The purpose of this review is to assess the potential impact of an RV facility that is proposed on Landrum Mill Road. *Based upon current roadway conditions we believe that siting an RV park at 1970 Landrum Mill Road adds additional danger to already dangerous roads. This opinion is based upon the potential*

for adding users unfamiliar with local conditions, including poor geometry and unanticipated hazards (e.g., bicyclists, runners, equestrians and large animals) to the user mix.

SITE VISIT

JMTE visited the site and its vicinity on July 23, 2021. The weather was fair with temperatures in the 80's and moderate humidity. Our observations and impressions during the day are documented in this section of the technical memorandum. The surrounding terrain is rolling (typical of upstate South Carolina) with exurban, and agricultural land-uses. The roadways considered are a mix of state-maintained and county-maintained roads. We observed light vehicle traffic and a bicycle paceline of 8-10 persons on Landrum Mill Road. We have also been informed that horseback riders ride along and across the area roads. Figure 1 and Figure 2 the show user mix in the area. We observed large wildlife (e.g., bear and deer) moving during daylight hours. We have been informed that the high school cross country team uses Turkoman Trail, Racetrack Road, Fairview Farms Road and other roads in the area for training purposes. Figure 3 shows a deer at the intersection of Fairview Farms Road and Racetrack Road.



Figure 1 Road User Mix



Figure 2 Bicyclists on East Frontage Road

There is no direct access between Landrum Mill Road and I-26. Figure 4 shows two potential routes from I-26 to the site. Patrons may exit I-26 at either Exit 1 (just south of the North Carolina state line) on to SC Highway 14 and then follow Fairview Farms Road to Racetrack Road to Turkoman Trail and then turn left onto Landrum Mill Road. This route, shown in orange, is approximately 2.31 miles long and includes steep (~5.6%) grades, blind curves and pavement drop-offs. The second route, shown in yellow on Figure 4 begins at Exit 5 on I-26 and follows East Frontage Road and turns right on Landrum Mill Road towards the site. This route is approximately 2.16 miles long.



Figure 3 Deer at Fairview Farms Road and Racetrack Road

The third roadway reviewed in our site visit was Fairwinds Roads. The GPS system might route a driver that has stopped for fuel or food at Exit 1 up Fairwinds Drive to Landrum Mill Road. Although the route is posted no trucks it appears to be a reasonable route until it crosses Page Creek where it narrows to a poorly maintained 16-foot cross section without shoulders. At this point the driver is committed to going forward. There is no place between Page Creek and Landrum Mill Road to turn a large vehicle and backing a vehicle with large blind spots would be difficult. According to the online STRAVA app the grade



DATE:	07/29/2021
SCALE:	N.T.S.
DRAWN:	P. STEPP, ET
CHECKED:	D. HYDER, PE
PROJECT No.:	WAYN 1182

PROJECT:

ACCESS SAFETY REVIEW

CAMPOBELLO, SC (SPARTANBURG COUNTY)

SHEET TITLE

FIGURE 4
ROUTES REVIEWED

J.M. TEAGUE
Engineering & Planning
1155 N. MAIN ST. WAYNESVILLE NC 28786
www.jmteagueengineering.com

00872

ASSOCIATED DWG FILES ARE THE PROPERTY OF J.M. TEAGUE ENGINEERING & PLANNING AND SHALL NOT BE MODIFIED, USED, OR REPRODUCED IN ANY WAY OTHER THAN AUTHORIZED IN WRITING.

leading from Page Creek towards Landrum Mill Road is approximately 8.3%. Vehicles going downgrade on this stretch need approximately 171 feet of sight distance.



Figure 5 Racetrack Road- Missing Guardrail

Most of the roadways on these two routes are functionally classified as Rural Local roads. Parts of East Frontage Road are functionally classified as a Rural Major Collector. The segment of Landrum Mill Road between East Frontage Road and the site is classified as Rural Minor Collector. While Functional Classification is not related to travel demand or roadway design it is related to road use which, in turn, has implications for design, construction, and maintenance. The purpose of most roads in the area is to provide property access with little emphasis on speed or safety features. The roads in the area were originally 'farm to market' roads and exhibit the design and construction compromises made in the twentieth century when the goal was to "get the farmers out of the mud." These compromises include narrow pavement and lanes (16 feet or 18 feet), narrow or missing shoulders (0 feet to 4 feet), sharp curves, missing guard rail (See Figure 5), steep grades, and low posted speeds (25 mph to 35 mph). Lanes and edge lines may not be marked.

RECREATIONAL VEHICLES

There are three classes of recreational vehicles plus travel trailers. Class A motor homes (the largest class) average 33'x9'x12'[i] and may weigh over 30,000 pounds. Class B motor homes average 20'x8.5'x8' and weigh less than 20,000 pounds. Class C motor homes average 28'x9'x10' and weigh less than 20,000 pounds. Class B and C motor homes can be operated with a Class C (standard driving license). Because of their weight, Class A motor homes have additional licensing requirements.

Introducing RVs into the existing vehicle mix presents the following safety challenges:

- Speed and size differential,
- Large blind spots,
- Visibility of other users,
- Uncertainty,
- Roll-over hazards (high center of gravity),
- Driver fatigue,
- Long stopping distance, and
- Large turn radii.

To sum this up, RVs are large, awkward vehicles driven by people unfamiliar with the area and its challenges.

[i] Length X width X height

SIGHT DISTANCES

Sight distance is an important feature when assessing safety. In this instance we identified and measured the sight distance at three locations:

- The Proposed Site Entrance onto Landrum Mill Road
- The intersection of Fairview Farms Road and Racetrack Road, and
- The intersection of Fairwinds Drive and Landrum Mill Road.

The sight distance was measured by having one person positioned at the likely driver's position (15' from the edge and 4' eye height) and having another person walk down the lane until they vanished from the driver's view and then measuring the line of sight back.

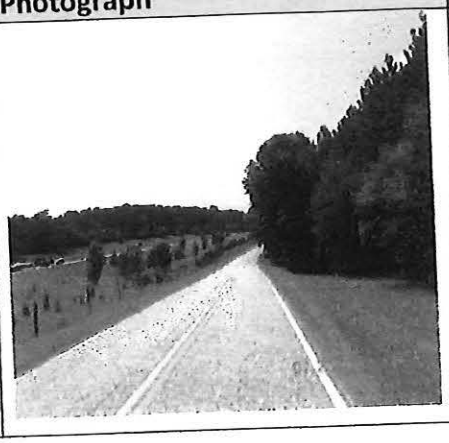
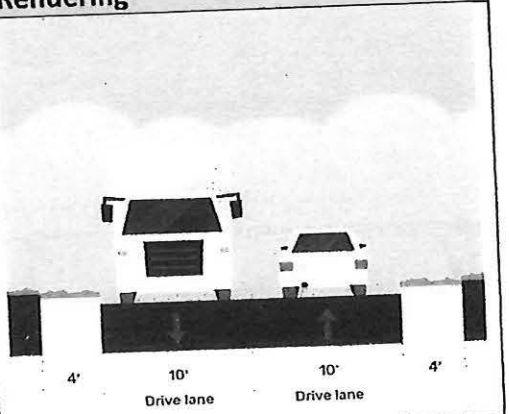
Table 1 compares the results of these measurements with the sight distance from Exhibit 3-1 of the *2004 AASHTO 'Green Book'* (A Policy on Geometric Design of Highways and Streets, 2004). Sketches of the measured sight distances are included at the end of this memorandum.

Table 1 Sight Distances and Stopping Sight Distances

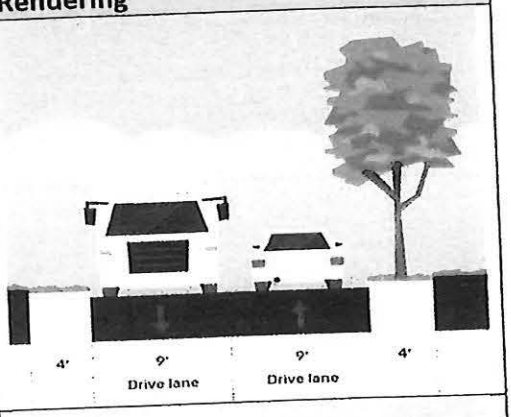
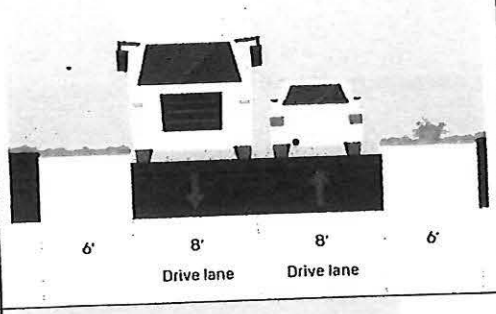
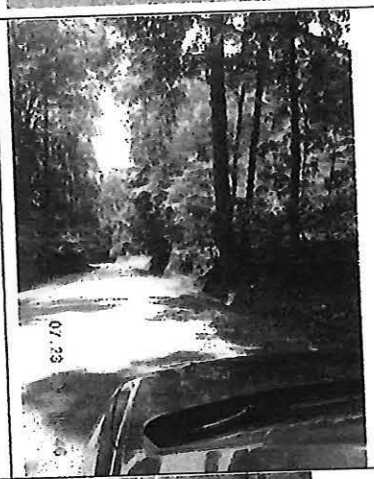
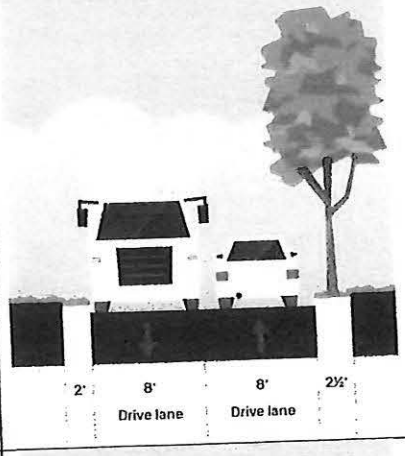
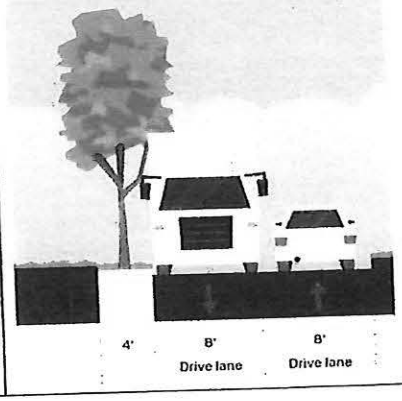
Intersection	Looking Left (ft)	Looking Right (ft)	AASHTO (ft)	Adequate (Yes/No)
Landrum Mill @Proposed Driveway (35 mph)	435	Not Measured[ii]	250	Yes
Landrum Mill @ Fairwinds Dr. (35 mph)	292	Not Measured	250	Yes
Fairview Farms & Racetrack Road (25 mph)	301	150	155	No

Table 2 below illustrates the condition of local roads that may be used by RVs. Each row of the table includes a description of the roadway, a photograph of a typical location on the road and a rendering showing how large vehicles and cars would fit on the road.

Table 2 Summary of Conditions

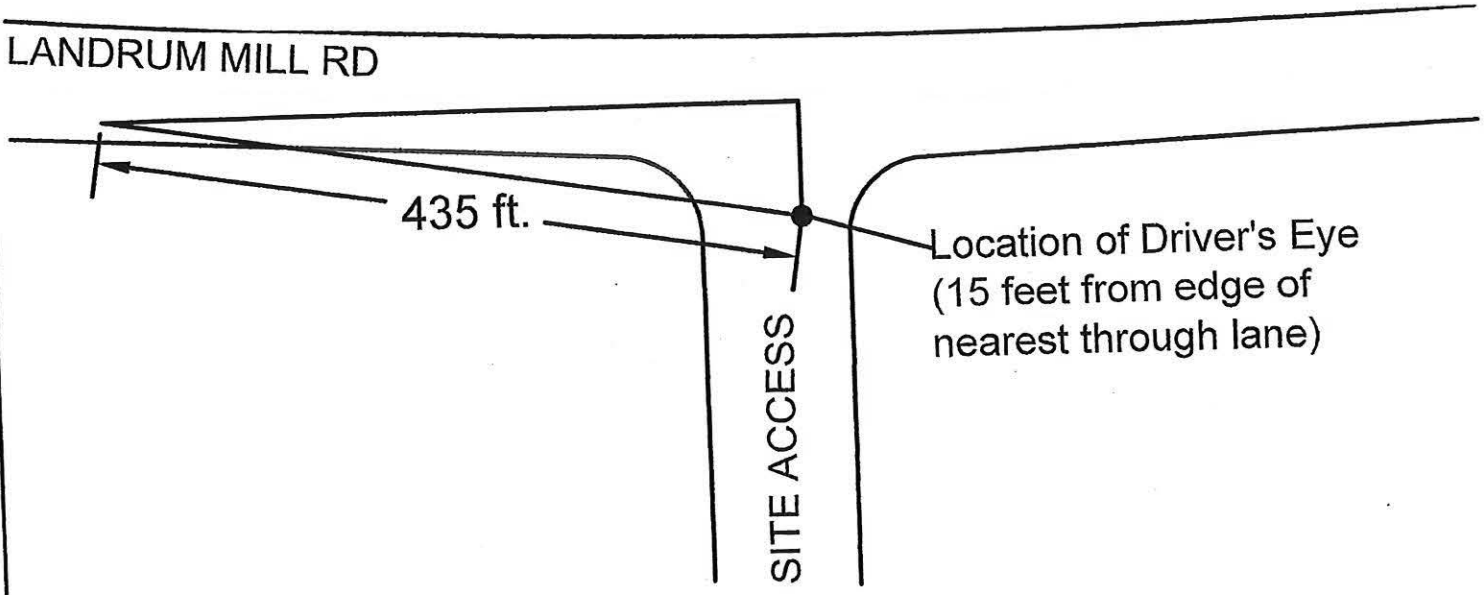
Description	Photograph	Rendering
East Frontage Road • Two 10-Foot Lanes and 4-6-foot-wide shoulders • Posted Speed Limit 35 mph • Well Maintained		

[ii] Visibly longer than sight distance in the other direction.

Description	Photograph	Rendering
Turkoman Trail (State Maintained- 0.3 mi) • 18 Feet of Pavement • 4 Feet of Shoulder • Posted Speed Limit 35 mph		
Turkoman Trail (County Maintained) • 16 Feet of Pavement • 4'-6' Shoulders • No Posted Speed Limit		
Racetrack Road (County Maintained) • 16 Feet of Pavement • 0'-4' Shoulders • No Posted Speed Limit (Posted as 25 mph at the intersection of Fairview Farms Road)		
Fairwinds Drive (County Maintained) • 16 feet of pavement • No Shoulders • Posted Speed Limit 25 mph		

CONCLUSION

The roads around Landrum Mill Road were originally intended to provide access to local property. To build these roads within budgetary constraints the builders compromised on design standards and ride quality. These roads are substandard when compared to AASHTO's Green Book. These roadways function largely because they serve users who are familiar with their quirks and surprises. The roads are poorly suited to large awkward vehicles driven by people who may be unfamiliar with the area and may be dividing their attention with wayfinding and driving a large vehicle on narrow roads. Making the proposed situation safe would require a substantial investment in construction, maintenance and safety funds.





DATE:	07/29/2021
SCALE:	N.T.S.
DRAWN:	P. STEPP, ET
CHECKED:	D. HYDER, PE
PROJECT No.:	WAYN 1182

PROJECT:

ACCESS SAFETY REVIEW

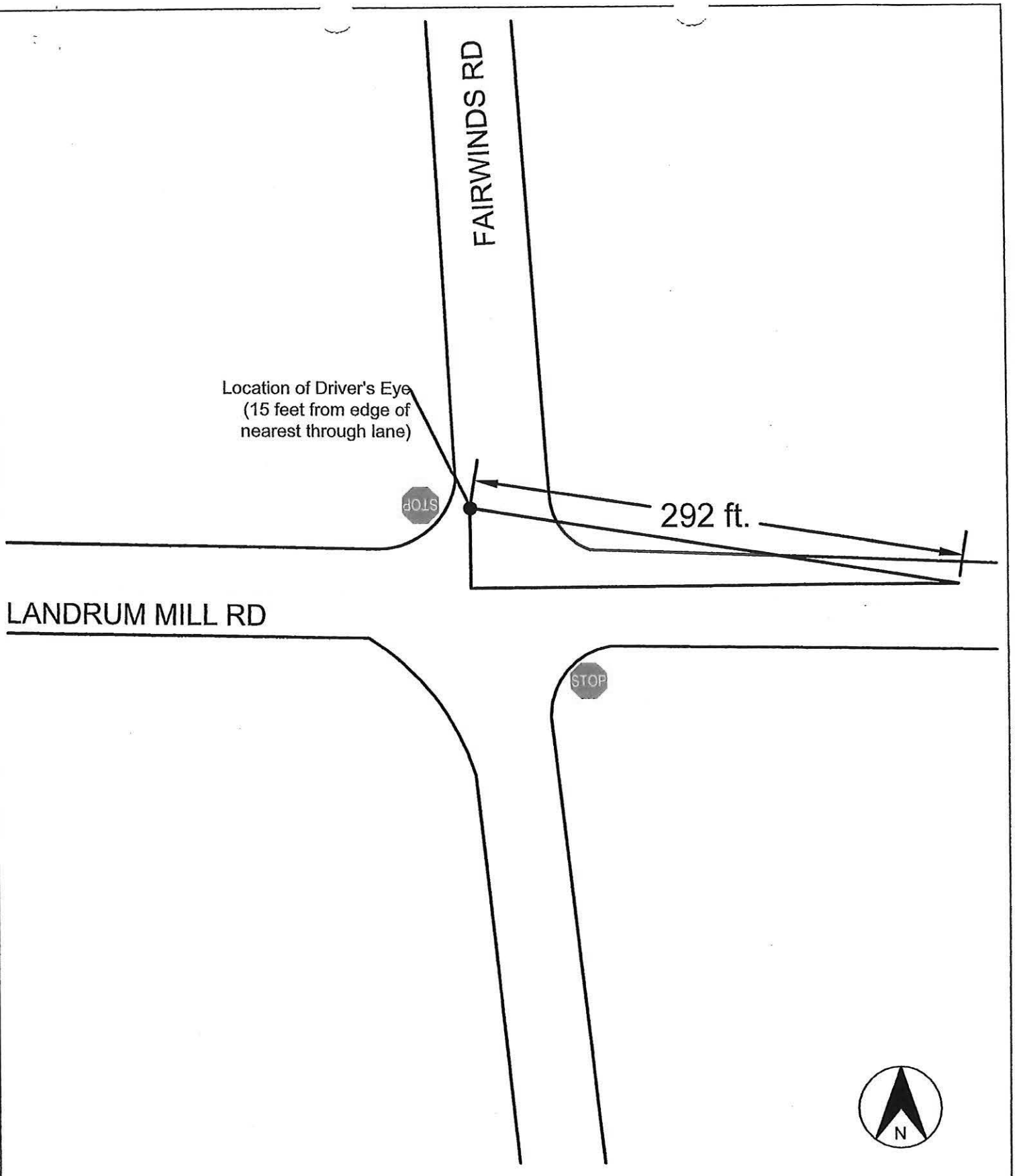
CAMPOBELLO, SC (SPARTANBURG COUNTY)

SHEET TITLE

INTERSECTION
SIGHT DISTANCE
AT LANDRUM MILL RD
AND SITE ACCESS

J.M. TEAGUE
Engineering & Planning
1155 N. MAIN ST. WAYNESVILLE NC 28786
www.jmteagueengineering.com

THESE DRAWING AND ASSOCIATED .DWG FILES ARE THE PROPERTY OF J.M. TEAGUE ENGINEERING & PLANNING AND SHALL NOT BE MODIFIED, USED, OR REPRODUCED IN ANY WAY OTHER THAN AUTHORIZED IN WRITING.



DATE:	07/29/2021
SCALE:	N.T.S.
DRAWN:	P. STEPP, ET
CHECKED:	D. HYDER, PE
PROJECT No.:	WAYN 1182

PROJECT:

ACCESS SAFETY REVIEW

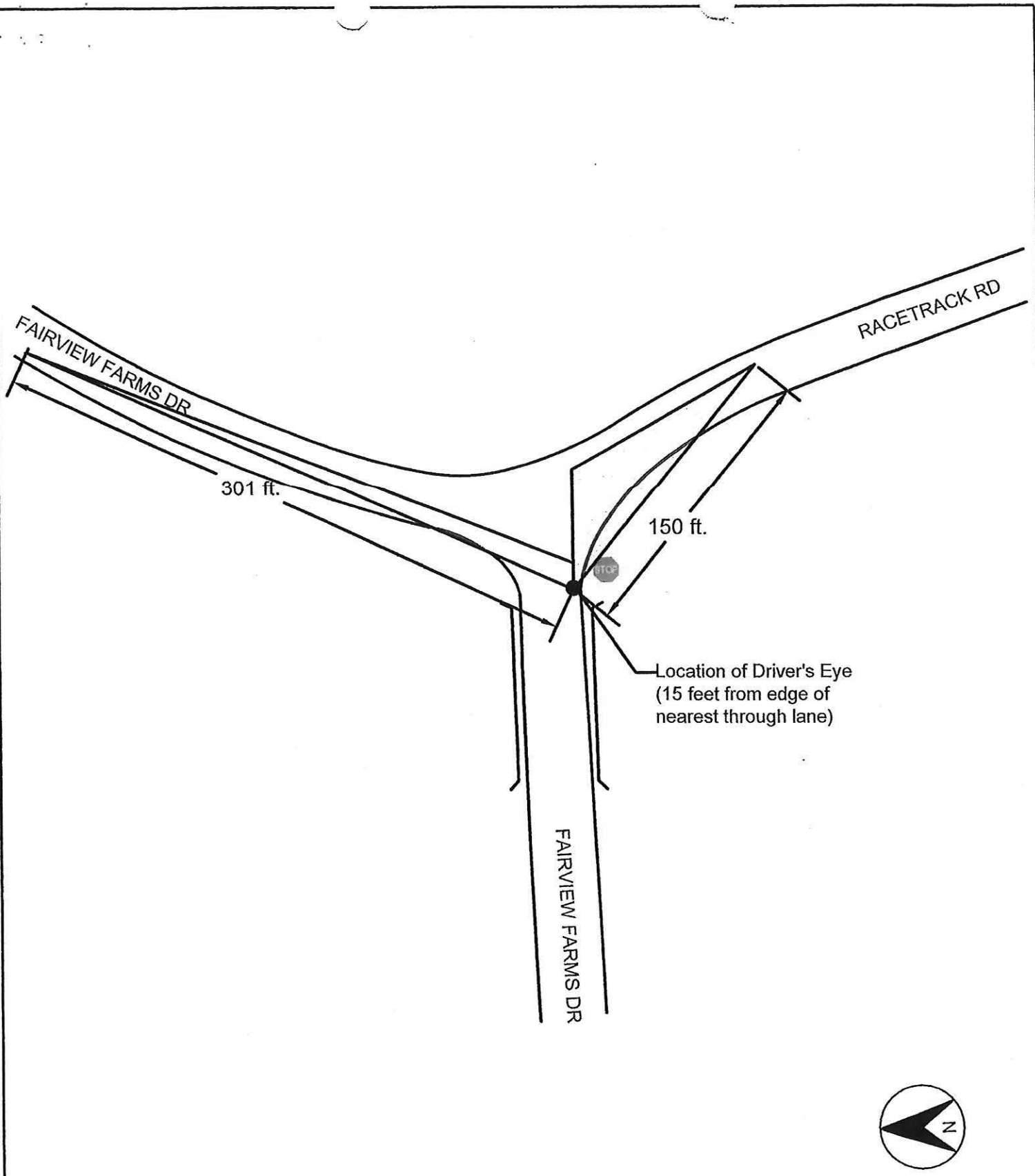
CAMPOBELLO, SC (SPARTANBURG COUNTY)

SHEET TITLE

INTERSECTION
SIGHT DISTANCE
AT LANDRUM RD
AND FAIRWINDS DR

J.M. TEAGUE
Engineering & Planning
1155 N. MAIN ST. [illegible] LLE NC 28786
www.jmteagueengineering.com

THIS DRAWING AND ASSOCIATED .DWG FILES ARE THE PROPERTY OF J.M. TEAGUE ENGINEERING & PLANNING AND SHALL NOT BE MODIFIED, USED, OR REPRODUCED IN ANY WAY OTHER THAN AUTHORIZED IN WRITING.



DATE:	07/29/2021
SCALE:	N.T.S.
DRAWN:	P. STEPP, ET
CHECKED:	D. HYDER, PE
PROJECT No.:	WAYN 1182

PROJECT:

ACCESS SAFETY REVIEW

CAMPOBELLO, SC (SPARTANBURG COUNTY)

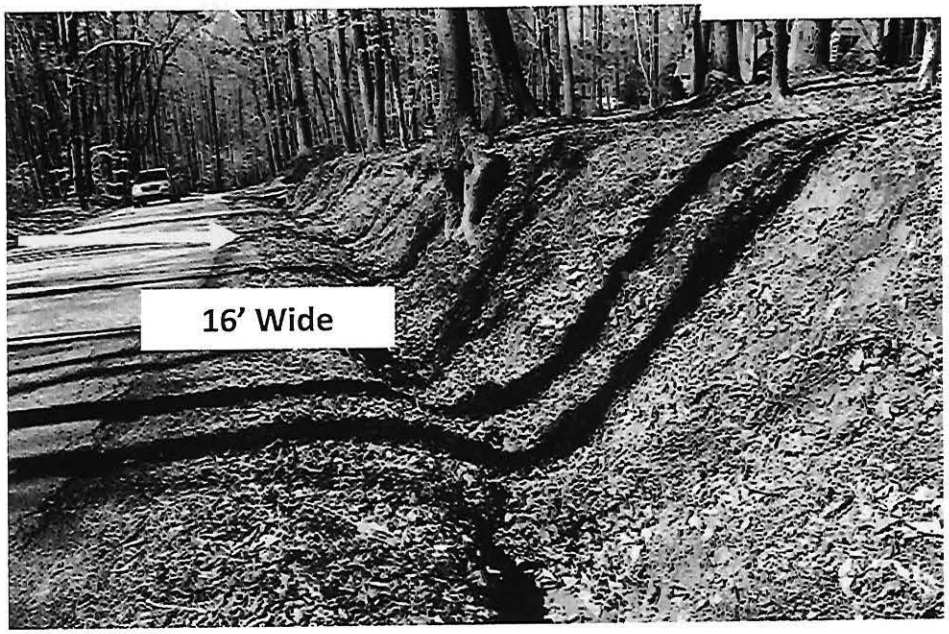
SHEET TITLE

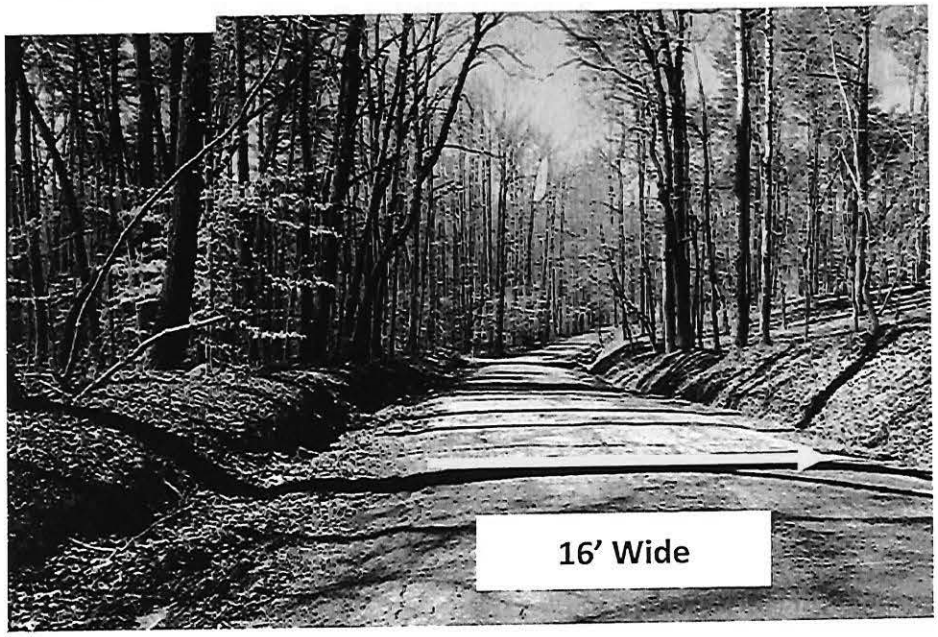
INTERSECTION
SIGHT DISTANCE
AT FAIRVIEW FARM RD
AND RACETRACK RD

J.M. TEAGUE
Engineering & Planning
1155 N. MAIN ST WAYNESVILLE NC 28786
www.jmteagueengineering.com

THESE DRAWINGS AND ASSOCIATED DWG FILES ARE THE PROPERTY OF J.M. TEAGUE ENGINEERING & PLANNING AND SHALL NOT BE MODIFIED, USED, OR REPRODUCED IN ANY WAY OTHER THAN AUTHORIZED IN WRITING.

Fairwinds Road—16’ Wide







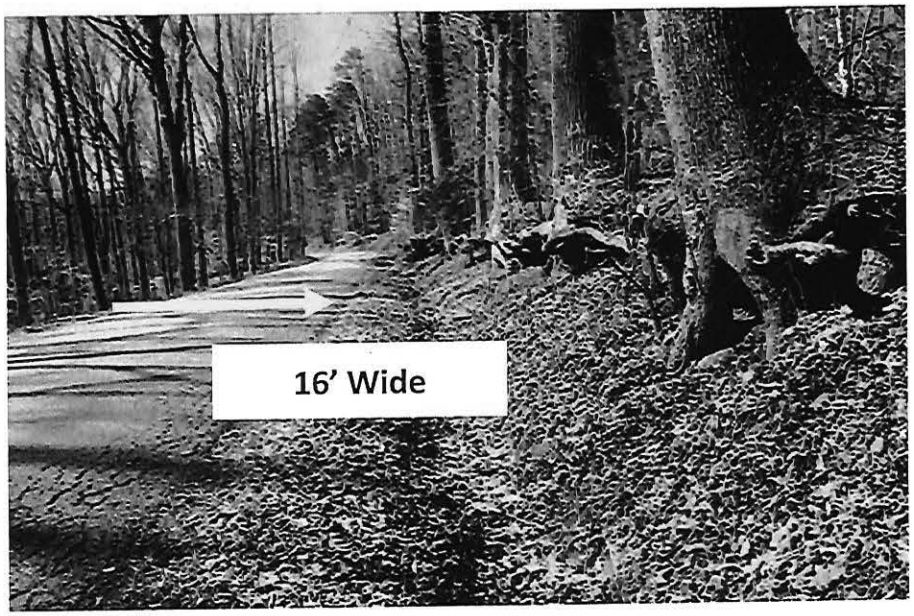


00880

Bottom of Racetrack Road



Racetrack Road—16' Wide









Landrum Mill Road—17’ 4 Wide



Near RV Park Entrance



Traffic Impact Analysis Report

Landrum RV Park (T Tree Farms)

For: Ms. Kim Burnett

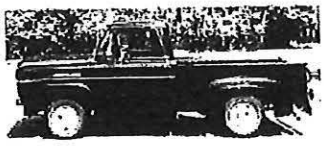
Prepared by:

Roger D. Dyar, P.E., P.A.
231 Tollison Road
Seneca, SC 29672
(864) 360-7921
dyartraffic@gmail.com

June 23, 2021

SOUTH CAROLINA REGISTERED PROFESSIONAL ENGINEER No. 10013 ROGER D. DYAR

6/23/21



DyarTraffic

864-360-7921

SOUTH CAROLINA ROGER D. DYAR, PE, PA NO. C02593 CERTIFICATE OF AUTHORIZATION

Roger Dyar

Digitally signed by Roger Dyar
DN: cn=Roger Dyar, o=Roger D. Dyar, P.E, P.A., ou=Main, email=dyartraffic@gmail.com, c=US
Date: 2021.06.23 08:06:19 -04'00'

Trip Generation

Trip generation was estimated using the ITE Trip Generation manual, 10th Edition, along with information from other studies done for similar developments in other states. The ITE land use code 416 for an RV park was used to determine the values for input into the equations for predicting trip generation. See the appendices for additional information on trip generation from other studies. The data from the noted reports as well as ITE data were combined to get the rates used in Table 2. Using the ITE manual and the referenced reports, the following table was derived for trip generation for the new project.

Table 2 Trip Generation Rates for Multi-family Residential ITE Code 416

Weekday (1)		AM Peak Hour		PM Peak Hour	
Total Daily Trips = 4.10 (X)		Total Trips= 0.29 (X)		Total Trips = 0.41 (X)	
In	Out	In	Out	In	Out
50%	50%	42%	58%	69%	31%

(1) Note: Units: X = Units = 50 total

sing the ITE Trip Generation manual we get the following predicted trips for the new evelopment.

Table 3 Predicted Trip Generation for the Spartanburg County RV Project

Subdivision	Units	Total Daily Trips			A.M. Peak Hour			P.M. Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
Landrum RV	50	206	103	103	14	6	8	21	14	7

↑
75,190 per year

00885

Section 3.13 Camps and Recreational Vehicle Parks (SIC 703)

Camps and recreational vehicles (RV) parks shall comply with the following site and design standards.

1. Exposed surfaces shall be covered or protected with vegetative growth capable of preventing soil erosion.
2. The site shall be developed in a manner that preserves natural features and landscape.
3. The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
4. No site shall be located less than 150 feet from drinking water supply or 300 feet from a comfort station.
5. Maximum density shall not exceed 15 vehicles per acre, with minimum 10-foot separation.
6. Bufferyards shall be as specified by Section 2.02-2.
7. Areas designated for parking and loading or for circulation shall be physically separated from public streets. All one-way drives shall be 12' wide, and two-way drives shall be 20' wide, and shall be located at least 150 feet from any street intersection. All interior streets shall be private and not public, and shall be constructed with a 4" compacted stone travel-way approved by the County Engineer. Street grades shall not exceed 12 percent.
8. Each park site shall be serviced by public water and sewer or other systems approved by DHEC.
9. Durable, watertight, refuse containers, with fly-tight covers sufficient to contain all refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than 300 feet from any camp or picnic site unless provided at the campsite. Refuse containers shall be provided at the rate of eight cubic feet (60 gallons) for each five campsites or the equivalent thereof if containers are provided at individual sites.
10. The site, if located on a corner lot, may access a minor road, when both roads are maintained by the South Carolina Department of Transportation, notwithstanding the limitation in Table 3b that prevents a site from accessing a minor road.

98800

C. GENERAL CONSTRUCTION REQUIREMENTS FOR ALL PUBLIC SWIMMING POOLS

1. Applicability. Requirements of this section are applicable to all new construction and alterations of existing public swimming pools. All work must be performed in accordance with good engineering practice and recognized industry standards.

2. Water Supply. All water used in public swimming pools, drinking fountains, bathhouse, or minimum toilet facilities, must be supplied from a Public Drinking Water System.

SPARTANBURG COUNTY – ONLINE APPLICATION – MAJOR LAND DEVELOPMENT

*Type of Current Activity

- [x] Vacant
- [ ] Residential
- [ ] Industrial
- [ ] Commercial
- [ ] Office
- [ ] Institutional

*Water or Well?

Water

Water
Well
N/A

ected water above, list water provider.

*Septic or Sewer?

88800

REQUEST FOR PUBLIC HEARING BEFORE THE PLANNING COMMISSION

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

The undersigned are Spartanburg County residents, taxpayers, and/or interested parties in the matter of T. Tree Farms RV Park (Blue Sky Associates, LLC) and "Concerned Citizens" herein.

The Concerned Citizens request a public hearing before the Commission relating to the February 7, 2023 application by Blue Sky Associates, LLC ("Blue Sky") to develop a "campground or RV park" at 1970 Landrum Mill Road, Campobello.[1]

Concerned Citizens are interested persons who stand to be substantially affected and detrimentally impacted (health, safety, environment, and general welfare) from the proposed RV park. Concerned Citizens are interested in the subject matter of this proposed development and request a public hearing so that they may participate in the application process.

Commission Rules, Art. III, Public Hearings, Sections 2.3 provide that a public hearing before the Commission is a "*forum for people interested in the subject matter to present information to the Commission for their consideration as they deliberate an issue.*"

Concerned Citizens offer the following in support of this Request for a Public Hearing:

1. DUE PROCESS: The South Carolina Constitution, Article I, Section 22 provides that "*No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard.*" The Commission has the duty to afford Concerned Citizens due notice and an opportunity to be heard through a public hearing. Concerned Citizens are people who (a) are interested in this development plan; (b) stand to be negatively impacted by Blue Sky's application of February 7, 2023; and (c) stand to have many private rights affected by a Commission decision on the application. Concerned Citizens wish to present information and written material to the Commission Members for their consideration in deliberation before a decision is rendered.

2. MISREPRESENTATION BY DEVELOPER - WELL PERMITS: Concerned Citizens wish to present information to the Commission that Blue Sky/its engineers misrepresented in the current application process that DHEC has issued a permit for a permanent well for water. This is misleading. Pursuant to

[1] Two years ago on March 2, 2021, the Commission gave conditional Site Plan approval to Blue Sky for a 50-space RV park on the same property. Blue Sky failed to meet the six approvals as required by the Commission as conditions precedent before the project would receive final County approval. There has been no final approval by the County on the 2021 application.

DHEC Regulation 61-58, this is a two-step process. Blue Sky has a permit for the first step, which is a "test well" to analyze water quality. As stated on the test well permit, the permit does not constitute DHEC approval to place the system in operation. A follow-up application to DHEC is required. The production well has not been approved by DHEC. Moreover, DHEC has no jurisdiction over the required source of water in a local land development.

3. ROAD SAFETY - EXPERT REVIEW: Concerned Citizens wish to present to the Commission comprehensive findings prepared by a road safety engineer. His 10-page Road Safety Audit includes a detailed on-site assessment of old farm to market 16-feet wide roadways with steep grades, limited sight, sharp curves, no shoulders, and deep roadside ditches. The road safety expert opined that RV traffic from the RV park over the only routes to/from the park ***"adds danger to already dangerous roads."*** This poses a major danger to health, safety, and general welfare of all persons using these roads for travel and recreational purposes. The developer's Traffic Impact Analysis projects that 75,000 vehicles per year (including huge RVs) will travel to/from the park on our country roads.

4. EXPERT OPINIONS ON FIRE SUPPRESSION and MORE: Concerned Citizens wish to present information/expert opinions to the Commission on the issues of an inadequate fire suppression plan, deficient septic permit, the undersized septic system, stormwater management, and risks to drinking water, residents' wells, health, the environment, and more.

5. WATER ISSUES: Concerned Citizens wish to present information to the Commission about the water supply to the RV park and their wells (residential and agricultural use). Blue Sky seeks to supply its RV park with water from a well system instead of water from a public water district as required by the Commission in 2021. ULMO Section 3.13 states that RV park sites must be served by public water. Concerns also exist regarding interference with nearby residents' wells.

6. HARMONIOUS and COMPATIBLE DEVELOPMENT CRITERIA: Concerned Citizens wish to present information to the Commission that this proposed RV park is not harmonious and compatible development as required by the Planning Act and the ULMO and as further recognized in the Comprehensive Plan. The lands surrounding the RV park consist of nearly 5,000 acres of four structured homeowners' associations with conservation-focused restrictive covenants. The properties are low-density, agri-rural, and non-commercial. Thousands of acres are under formal conservation easements with Upstate Forever and Conserving Carolina. The developer's projection is that 75,000 vehicles per year of commercial traffic will be added to the privately owned roads in this conservation area. The commercial RV park is not in harmony with our extensive and formal conservation easements and covenants. The park destroys the purpose of protecting our sensitive environment.

7. SUPPORT FROM CONSERVATION GROUPS: Concerned Citizens wish to present information to the Commission that several conservation groups support the effort to protect this sensitive environment from the RV park development, including The Southern Environmental Law Center, The South Carolina Environmental Law Project, Upstate Forever, Conserving Carolina, and the SC Native Plant Society. A professional biologist surveyed Gold Mine Creek and identified threatened species of plants on the banks of the creek, which flows along the RV park parcel.

8. SIGNIFICANT NEGATIVE IMPACTS TO THE COMMUNITY: The proposed RV park will cause many negative effects and impacts on Concerned Citizens and the greater community including health,

drinking water contamination, impact on a totally well-dependent community with hundreds of residents (residential and agricultural use), safety, road safety, the environment of the conservation-focused community, pollution, noise pollution, light pollution, risk of fire, diminution in property value, stormwater management, and traffic. This includes the developer's for-profit traffic over privately owned, narrow roads which are the only routes to/from the park. Many other concerns exist about safety, health, and general welfare of Concerned Citizens.

9. SEPTIC PERMIT: Concerned Citizens wish to present information on Blue Sky's septic permit to the Commission.

a. Concerned Citizens will present the DHEC Board's Final Agency Decision, wherein the DHEC Board rescinded Blue Sky's septic permit for size and capacity deficiencies.

b. On December 20, 2021, the DHEC Board held a lengthy hearing and posed questions to Blue Sky about a safety plan for system failure. Blue Sky has no such plan. A video recording of the hearing is available on the DHEC website.

c. The DHEC Board cited the Pollution Control Act 101 (c) ("real or potential threat to health") and determined that the data submitted by Blue Sky did not support its request for a 50% reduction from the DHEC standard peak flow capacity for its septic system. Blue Sky designed its system to handle 60 gallons per day per unit as opposed to the general DHEC standard 120 gallons per day per unit.

d. The DHEC Board rescinded Blue Sky's septic permit, which is the same permit that Blue Sky submitted with its February 7, 2023 to the County.[2] The septic permit is in litigation.

e. The undersized septic system lacks capacity as determined by the DHEC Board.

f. Two million gallons per year of chemically contaminated, high strength wastewater from RVs are projected to be discharged into the RV park's septic system per DHEC standard calculations of peak flow. DHEC Regulation 61-56, 501 (Peak Sewage Flow Rate Standard).

g. The undersized septic system poses a threat of failure resulting in discharge into water courses, contamination of local wells and drinking water, and threat to the health, safety, and general welfare of Concerned Citizens as well as the drinking water for the City of Spartanburg.

[2] Blue Sky's managers sought administrative review of the DHEC Board decision based upon a 15-day procedural rule (time limits to seek review by the DHEC Board). The substance of the septic permit was not addressed in the review. The administrative review was appealed to the South Carolina Court of Appeals on December 20, 2022. DHEC is a party in the case. The South Carolina Environmental Law Project is representing 4 Homeowners' Associations in the Appeal.

In summary, Concerned Citizens submit that a public hearing must be held by the Commission in this matter as mandated by the SC Constitution, the State Planning Act, and the County's ULMO. The Planning Act provides that the function of a local planning commission is to promote public health and safety. Section 6-29-30(1). The Act further provides that the public health, safety, and general welfare require the harmonious and orderly development of land within counties of the State. Section 6-29-1120.

Also noteworthy is the *South Carolina Guide to Land Use Planning*, which is published by the South Carolina Association of Counties. The Guide states that a local planning commission "*serves as the citizen advisory group*" to the County. A commission exists to carry out "*a continuing planning program for the benefit of the community it serves.*" The Guide further notes that there is a need for public input and plans require a "*close and continuous collaboration between citizens and local government.*" Blue Sky's prior application in 2021 contained critical misrepresentations about private property rights, and close scrutiny of the current application with citizens' input is warranted.

For the foregoing reasons, Concerned Citizens hereby request that the Commission hold a public hearing on Blue Sky's application for Major Land Development dated February 7, 2023.

Due to the great number of interested persons and the many issues presented, Concerned Citizens ask the Commission Members to please consider extending the time limit for presentation as set forth in Commission Procedure Rule 2.7 to no less than 90 minutes. This matter is of great concern and involves critical issues regarding health, safety, and welfare of the general public. Some of these issues are technical in nature and require professional expert analysis and explanation. Concerned Citizens submit that a 30-minute time limitation would handicap their presentation and deny the Commission the opportunity to fully understand the many concerns.

Submitted By Concerned Citizens – See Attached Signature Pages February 28, 2023

To: Planning Commission Members
Douglas C. Brackett, Secretary
Donna Turner Williams
Whit Kennedy, Jr., Chairman
James William Hamilton
James Les Green
Toby Mark McCall, Vice-Chairman
Lewis Allen Newman
Stewart Winslow
Francis Parker Champion

cc: Joan Holliday, Director, Planning & Development Dept.
Leigh McDonald, Planning Manager, Planning & Development Dept.

William A. McDaniel, Manager
Kimberli Burnett, Manager
Blue Sky Associates, LLC
446 Oak Grove Road
Spartanburg, SC 29301

SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

FINAL AGENCY DECISION

Docket No. 21-RFR-81
T. Tree Farms RV Park (Blue Sky Associates, LLC)

This matter comes before the South Carolina Board of Health and Environmental Control ("Board") for final review pursuant to S.C. Code Ann. § 44-1-60. The Enclave at Fairview Homeowners' Association, Inc., Golden Hills of Fairview Homeowner's Association, Inc., Greenspace of Fairview, LLC, and North Pacolet Association, Inc. ("Requestors") filed a request for final review of the South Carolina Department of Health and Environmental Control ("DHEC" or "Department") staff decision to issue Permit to Construct Onsite Wastewater System, File No. 2021040112 ("Permit) to Blue Sky Associates, LLC ("Blue Sky") for the construction of an onsite wastewater system. On December 20, 2021, the Board conducted a Final Review Conference regarding the matter. After hearing presentations from the Department, Requestors, and Blue Sky, the Board overturns the staff decision for the reasons stated herein.

BACKGROUND

On April 23, 2021, the Department received the permit application for the construction of an onsite wastewater system to serve the T. Tree Farms RV Park located at 1970 Landrum Mill Road in Campobello, South Carolina in Spartanburg County ("Site"). The onsite wastewater system was designed to treat and dispose of a limited quantity of domestic wastewater discharged from 52 lots located at the Site.

After conducting its review, the Department determined that the permit application met all aspects of S.C. Code Ann. Regs. 61-56, *Onsite Wastewater Systems* ("R. 61-56") and issued the

Permit on June 22, 2021. The Requestors filed a request for review of the staff decision on October 14, 2021.

DISCUSSION

Pursuant to S.C. Code 48-1-100(c), DHEC is the state agency with jurisdiction over septic tanks. As authorized by S.C. Code 44-1-140(11), the Department promulgated S.C. Code of Regs. 61-56 ("R 61-56") to ensure onsite wastewater systems are appropriately designed to treat and dispose of domestic wastewater through a combination of natural processes that ultimately result in effluent being transmitted through the soil, renovated, and ultimately discharged to groundwater. The Department's review of onsite wastewater system permit applications is conducted in accordance with the permitting requirements set forth in R.61-56.

Pursuant to R. 61-56, onsite wastewater systems must be sized according to estimated peak sewage flow, as set forth in Appendix R of the regulation. Appendix R sets the peak sewage flow rate standards for campgrounds with no laundry and full water/sewer at 120 gallons per unit per day, but allows for the peak flow rate for non-residential facilities to be increased or reduced when comparable peak water consumption data for similar establishments in similar locations vary from the requirement. When considering such data, at least twelve (12) consecutive months must be presented with the maximum month of consumption and the days of operation per month being utilized to arrive at the peak flow rate.

In its permit application, Blue Sky presented consumption data for a KOA campground in Traveler's Rest, South Carolina ("KOA Campground") and calculations of a peak flow rate of 50.19 gallons per unit per day for the maximum month of consumption over a 12 month period. The Board finds that the KOA Campground is not a similar establishment to the proposed T. Tree Farms RV Park. Therefore, the peak flow rate standard utilized in designing the onsite wastewater

system in the permit application cannot be supported by the peak flow rate data for the KOA Campground.

CONCLUSION

After reviewing the written materials submitted to the Board, including the Administrative Record, and considering all arguments and evidence presented, the Board overturns and rescinds the staff decision in this matter.

Seema Shrivastava-Patel, Vice-Chairwoman
Board of Health and Environmental Control
For the Board

January 13, 2021

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

P. O. Box 551
Landrum, SC 29356

March 23, 2023

John Harris
Spartanburg County Attorney
366 N. Church Street, Suite 1000
Spartanburg, SC 29303

Re: Violations of SC Freedom of Information Act by Spartanburg County (South Carolina Code Sections 30-4-60 and 30-4-30)

Dear Mr. Harris:

After reviewing the below facts, we trust you will agree that Spartanburg County violated several provisions of the SC Freedom of Information Act in the last weeks.

The county locked citizens out of a meeting of a public body on March 7 and refused citizens' requests to inspect public files during the hours of operation of county offices on March 17.

1. Citizens Locked Out of Meeting of Spartanburg Planning Commission

On Tuesday, March 7, dozens of citizens were locked out of a meeting of the Planning Commission. You, as the County Attorney, were present and directed the Commission procedure at the meeting.

About 80-100 Concerned Citizens attended the presentation by the Planning and Development Department ("P & D") staff to the Commission of a February 7, 2023 application for a major land development in their neighborhood (T. Tree Farms RV park at 1970 Landrum Mill Road, Campobello). The Commission moved the item to the end of the meeting agenda due to the large crowd. Many citizens stepped into the hallway outside the meeting chambers awaiting the above item to come up on the agenda.

Dozens of citizens were denied re-entry. The doors were locked, and citizens knocked to re-enter. A uniformed guard/officer cracked open the door and said that the meeting must be finished without them re-entering. Many of the attendees were senior citizens and left because the doors were locked.

This action by the county to lock citizens out of a meeting of a public body is a violation of the SC Freedom of Information Act, SC Code 30-4-60.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

2. Citizens Denied In-Person FOIA Request to Inspect Public File

On Friday, March 17, we visited the county offices to inspect the public file and permits regarding this same February 7, 2023 application for a major land development in our neighborhood.

On March 16, the day prior to our visit, we telephoned and emailed both the P & D Director and the Planning Manager about inspecting the public file. We left a detailed voice message for the Director with our plans to visit and requesting that she reply about a mutually convenient time during operating hours. We also emailed her as well as the Planning Manager to set up a reasonable time during hours of operation with staff to inspect the public file. However, no one replied.

The Director and the Planning Manager did not return our phone call and did not return our emails. We suspect that the county attorneys instructed staff not to return our calls and emails.

Upon arrival at the County Administration Building on March 17, we asked to see the Director and the Planning Manager. P & D staff greeted us and stated that staff members were told not to talk to us according to instructions from the county attorneys. We asked to inspect the public file per FOIA. P & D staff asked if we had an appointment and reiterated that they were not allowed to talk to us per instructions from the county attorneys. We were advised by P & D staff to go to your offices.

We proceeded to your office. We spoke to a staff member in your office and stated that we came from P & D because we wanted to inspect a public file. The staff member went back into the inside office. She came back and said you were not available. A paralegal came out, went back into the inside office, and came back again to talk to us. Neither you nor any other county attorney would come out to talk to us.

We then returned to P & D and made an appointment as requested by P & D staff. The earliest appointment offered was on Tuesday March 21, 2023. This is four days from our initial request.

The Freedom of Information Act, Section 30-4-30 provides:

> "Right to inspect or copy public records…: (A)(1) A person has the right to inspect, copy,…any public record of a public body…in accordance with reasonable rules concerning time and place to access."

Please advise: Is there some written requirement in Spartanburg County about an "appointment" to inspect public records? Who is directing all county staff not to talk to citizens about the developer's new application dated February 7, 2023?

On March 17, the county denied our statutory rights to inspect the public file despite our phone call and messages (unanswered) to county staff to arrange a convenient time in advance.

This action by the county to deny citizens their right to inspect a public record on March 17 is a violation of the SC Freedom of Information Act, SC Code 30-4-30.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Since last month, our numerous phone calls and emails to staff about this February 7, 2023 application have **not** been answered. Staff state that they are not allowed to talk to us. We have not received replies to our many voicemails to staff. No doubt the Legal Staff has advised all county staff to not talk to citizens about the new application of February 7, 2023. What is the basis for all of this? As you well know, the developer's new application dated February 7, 2023 is **not** in litigation. The prior 2021 application was withdrawn on March 14, 2023.

The citizens' reasonable perception is that the county officials and administration are engaging in actions to purposefully thwart the developer's RV park plans from being fully disclosed to the public for reasons unknown. This violates the SC Freedom of Information Act. Are you being instructed by County Council, Council members, and/or the County Administrator to take certain measures, evasive or otherwise, with regard to this major land development application?

Citizens (through Madelon Wallace) submitted a written FOIA request on February 21, 2023. The county objected to and denied portions of the request in its written determination. The statute requires that the county provide a written determination to the requestor within 10 days, and the county failed to do so. The county's determination, objections, and denial were late pursuant to Section 30-4-30(C) of the Act. The FOIA request also contained a request that fees be waived under Section 30-4-30(B) since the request was in the "public interest." The county denied this request. How can the county deny that this request is in the "public interest" when a Planning Commission meeting was held on March 7, 2023 with 80-100 citizens in attendance and 449 Concerned Citizens submitted a Request for Public Hearing in this matter?

Spartanburg County has committed blatant, serious violations of the SC Freedom of Information Act. Who all is involved in orchestrating these improper procedures?

Coupled with the citizens being locked out of the Planning Commission Meeting on March 7, 2023, these actions to deny citizens access to the public record on this major land development project are unlawful behavior by government officials. These acts are a clear violation of the SC Freedom of Information Act.

By copy of this letter, these violations of the SC Freedom of Information Act are being reported to the State Attorney General's Office.

Your reply to the above questions is warranted and expected by all Concerned Citizens. Our questions are not rhetorical. We are writing to you on behalf of many citizens and taxpayers of Spartanburg County.

Sincerely,

Madelon Wallace

Madelon Wallace
madelonwwe@gmail.com

Judie Klapholz
13judierose@gmail.com

cc: The Hon. Alan Wilson
SC Attorney General
P.O. Box 11549
Columbia, SC 29211

The Hon. Tom Corbin
501 Gressette Bldg.
Columbia, SC 29201

The Hon. Josiah Magnuson
P.O. Box 212
Campobello, SC 29322

Bob Walker, County Council
104 South Shamrock Ave.
Landrum, SC 29356

A. Manning Lynch, Chairman, County Council
366 N. Church Street, Suite 1000
Spartanburg, SC 29303

Jack Mabry, County Council
1227 Boiling Springs Road
Spartanburg, SC 29303

Cole Alverson
County Administrator
366 N. Church Street, Suite 1000
Spartanburg, SC 29303

Earl Alexander
Deputy County Administrator
366 N. Church Street, Suite 1000
Spartanburg, SC 29303

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

March 28, 2023

Joan Holliday, Director
Spartanburg County Planning & Development
366 N. Church Street
Spartanburg, SC 29303

Re: **Request for Reconsideration of Conditional Approval**
T. Tree Farms, Blue Sky Associates, LLC

Dear Ms. Holliday:

Enclosed is a Request for Reconsideration of the Conditional Approval of the above major land development by the Planning Commission on March 7, 2023. This Request is made directly to the Members of the Planning Commission.

Concerned Citizens are not aware of any cover sheets/forms or filing fees being required by the Planning and Development Department for their Request for Reconsideration. Please advise if such is required.

Sincerely,
CONCERNED CITIZENS

For communications, please contact Larry Jankins, [redacted]

Enclosure
cc w/enclosure: All Planning Commission Members
Leigh McDonald, Planning Manager
Blue Sky Associates, LLC
Bob Walker, County Council
Jack Mabry, County Council

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

REQUEST FOR RECONSIDERATION OF CONDITIONAL APPROVAL GRANTED BY PLANNING COMMISSION ON MARCH 7, 2023

RE: Application for Major Land Development
T. Tree Farms RV Park (Blue Sky Associates, LLC)
William A. McDaniel and Kimberli Burnett, Managers of Blue Sky Associates, LLC

TO: MEMBERS OF THE SPARTANBURG COUNTY PLANNING COMMISSION

Concerned Citizens are Spartanburg County residents, taxpayers, and/or parties in interest in the matter of T. Tree Farms RV Park (Blue Sky Associates, LLC). Many Concerned Citizens own or reside on contiguous property or property in the vicinity of the proposed RV park. Concerned Citizens' health, safety, general welfare, and rights are substantially affected and threatened by the Planning Commission's ("Commission") unlawful granting of Conditional Approval for the above project on March 7, 2023.

Concerned Citizens recognize that the Commission members are volunteers. Concerned Citizens are grateful for their service to the County. However, the meeting of March 7, 2023 was fraught with critical errors, misrepresentations, and omissions. Incorrect and incomplete information was presented to the Commission by the developer and the Planning and Development Department staff ("staff") for its deliberation and decision. This resulted in an unlawful and improper action by the Commission to grant Conditional Approval of the above project.

The Commission is bound to perform its duties as set forth by the State legislature in the SC Local Government Comprehensive Planning Enabling Act, SC Code 6-29-310, et seq. ("State Planning Act"). The Commission must implement land development programs which are designed **to promote public health, safety, and general welfare** of its area of jurisdiction. In the discharge of its responsibilities, the Commission must consider and effectuate these and other criteria set forth in the State Planning Act when reviewing a major land development application. The Commission also has the duty to correct errors in any staff decision or determination made in the administration of major land development applications pursuant to the Spartanburg County Unified Land Management Ordinance ("ULMO"), Section 5.01-2. Staff action to approve a land development plan may be appealed to the Commission by any party in interest pursuant to the Planning Act, Section 6-29-1150(C).

The actions of the Commission in reviewing and deliberating upon this major development application were arbitrary, unreasonable, in clear abuse of its discretion, not supported by competent evidence, and unlawful. The Conditional Approval granted by the Commission on March 7, 2023 is unlawful for many reasons which are more completely described herein and include the following:

- The Commission violated Sections 3.13(8), 3.13(4), 3.13(2), and 3.03-2 of the ULMO.
    - The developer does not have the required septic system "approved" by DHEC; the DHEC Board rescinded the septic permit.
    - The developer does not have the required "public water" to the site.
    - The developer does not have the required "comfort station" (restroom) on site plans.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

  - The developer's plan does not consider the natural features of the site, including federally-protected threatened plant species and waters of Goldmine Creek.

- The Commission violated its own Rules and Procedures at the meeting of March 7, 2023.
  - The Commission refused to recognize several Concerned Citizens who wished to speak.
  - The Commission allowed the developer's attorney to speak without his requesting to speak, without being invited to speak, without being sworn, and without any time limits.

- The Commission disregarded public health and received incorrect and incomplete information on the status of the developer's septic permit. The Commission refused to review:
  - The DHEC Board's Final Agency Decision rescinding the septic permit;
  - Information that the developer's septic system is half the size as required by DHEC regulations (as determined by the DHEC Board);
  - Information that the undersized septic system and harmful odor suppressing chemicals discharged from RV holding tanks into the septic system pose a threat to citizens' drinking water (wells and public water system); and
  - Information about the appeal by the developer of the DHEC Board's decision, which is solely related to procedural rules and not the substance of the septic permit;

- The Commission disregarded public safety and received incorrect and incomplete information on road safety and fire safety. The Commission refused to review:
  - The road safety engineer's comprehensive 10-page report concluding that "danger" is created by RVs on the very narrow (16 feet wide), steep (5.6° to 8.3°grade), curvy, old farm-to-market roads, which are privately owned and the primary GPS routes to/from Exit #1 of I-26 to the proposed RV park;
  - Evidence that these narrow, rural roads are used regularly for recreational purposes, including jogging, cycling, horseback riding, and training by the Landrum High School cross-county teams;
  - Evidence that RVs (8.5 feet to 9 feet wide) cannot physically and safely fit, especially with oncoming RV traffic, on the very narrow roads to/from Exit #1 of I-26 to/from the proposed park;
  - Photograph of a school bus going off the road to pass an oncoming school bus near the entrance to the proposed RV park on Landrum Mill Road, which is 17'4" wide;
  - Photograph of a car going off the road to pass an oncoming pickup truck on Fairwinds Road, which is 16 feet wide;
  - Photographs of the subject roads which have no shoulders and are bordered by 3 to 4 feet deep ditches; and
  - Information about the questionable sufficiency of the developer's fire suppression plan.

- The Commission violated the Freedom of Information Act by locking citizens out of its regularly scheduled meeting on March 7, 2023.

- The Commission reviewed the wrong and incorrect site plans from a prior application.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

- The Commission failed to vote in open forum on a Request for Public Hearing by 449 Concerned Citizens.

- The Commission Vice Chairman made improper introductory remarks which were prejudicial and improper and which preceded review and deliberation by the Commission members.

- The Commission failed to consider the required statutory criteria and violated the State Planning Act, the Comprehensive Plan for Spartanburg County Land Use Goals and Objectives ("Comprehensive Plan"), and the ULMO.
    - The Commission failed to follow and respect the policy and purpose of the State Planning Act, the ULMO, the Comprehensive Plan, and the Mission Statement of the Planning and Development.
    - The Commission ignored public health, public safety, general welfare, and the private property rights of citizens in the roads of ingress and egress to the proposed RV park;
    - The Commission ignored threats to public health and safety including citizens' drinking water (wells and public water system) and fire suppression (densely wooded conservation area).
    - The Commission disregarded the fact that about 2 miles of the roads for primary ingress and egress to the proposed RV park are privately owned and are wholly contained within property under private conservation easement with Upstate Forever.
    - The Commission disregarded the criteria of harmonious and compatible development, including the fact that the RV park parcel is surrounded by 5,000 acres which represent the largest formal conservation area in the Upstate with conservation easements and conservation-focused covenants and restrictions.

- The Commission violated the fundamental principles of due process as set forth in the United States Constitution and the SC Constitution.
    - The Commission denied citizens a meaningful opportunity to be heard.
    - The Commission unlawfully disregarded the Constitutional rights and private property rights of citizens who own the roads that are the primary GPS routes leading directly to the entrance to the proposed RV park.

- The Commission refused to allow Concerned Citizens to correct information, note misrepresentations, and to provide information on health, safety, general welfare, and private property rights.

- The errors, violations, and unlawful actions of the Commission are also derivative of and attributable to actions, errors, and misrepresentations to the Commission by the Spartanburg County Planning and Development Department and the Spartanburg County Administration. These include violations of the State Planning Act, the ULMO, and the SC Freedom of Information Act.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Concerned Citizens provided packets of material and relevant information to each Commissioner at the March 7, 2023 meeting. Before the meeting started, the packets were placed at each Commissioner's chairs but were wholly and unlawfully disregarded by Commissioners. The packets contained the following items:

- Road Safety Audit: an expert engineer's review of proposed RV traffic on the primary route to/from the park; the road safety engineer concluded that "siting an RV park at 1970 Landrum Mill Road **"adds additional danger to already dangerous roads;"**

- Photographs of roads which are the primary route to the RV park: vehicles going off the very narrow roads to pass other oncoming vehicles, including school buses near the RV park entrance on Landrum Mill Road (17'4" wide); and an RV stuck on Racetrack Road (16' wide) where it could not make the turn toward I-26;

- Developer's Traffic Impact Analysis: an engineer's projection for 75,190 vehicles per year to be added to Landrum Mill Road and other private roads from the RV park;

- ULMO Section 3.13: the requirements for public water, comfort stations, approved DHEC septic system, and preservation of natural features and landscape;

- DHEC Regulation 61-51: the requirement that public swimming pools be supplied from a Public Drinking Water System;

- The County's Blank Online Application for Development: illustrates differentiation between water and well selection; the form states "water **or** well" and reiterates this difference in a drop down box;

- The DHEC Board's Final Agency Decision (3 pages) rescinding the developer's septic permit; and

- The Request for Public Hearing submitted by 449 Concerned Citizens on February 28, 2023.

For all the reasons set forth herein, the Concerned Citizens request reconsideration of the Conditional Approval of the above noted major development on March 7, 2023. Concerned Citizens offer the following in support of their request.

A. THE PLANNING COMMISSION VIOLATED SPECIFIC REQUIREMENTS OF THE ULMO.

Specific requirements of Section 3.13 of the ULMO were violated by the Commission in its Conditional Approval and the staff in its recommendation for the above project. Concerned Citizens have previously informed the Commission and the staff of these provisions and these violations, but here is what we would have summarized for the Commission had we had a chance to explain these violations to it:

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

1. **"<u>SEWER OR OTHER SYSTEM APPROVED BY DHEC</u>**:" For an RV park, Section 3.13(8) provides that "each park site <u>shall</u> be serviced by . . . sewer or other systems **approved by DHEC**." This is mandatory.

    a) The septic system contained in the development plan was **rejected by the DHEC Board as having only one-half the capacity that is required for this development.** The DHEC Board is the highest authority and the governing authority at DHEC. It is the highest authority for public health and the environment in S.C. state government, with its members appointed by the Governor and approved by the S.C. Senate.

    b) The septic system for this development has been rejected by DHEC, **not "approved by DHEC."**

    c) The DHEC Board rejected this septic system not for some minor reason but as being severely inadequate and inappropriate for this development.

    d) The Commission accepted without question the statement by the developer's counsel that the Administrative Law Court had ruled against the DHEC Board's decision. But the Administrative Law Court did **NOT** address the determination of the DHEC Board that the septic system was severely inadequate**.** The Administrative Law Court only ruled on legalistic and procedural grounds that the request for the DHEC Board to review the permit was filed too late. The DHEC Board did not agree and addressed the system itself.

    e) As the record stands today, the septic system for this development has been rejected by DHEC, regardless of the issue of timing of a paper filing. **Therefore, this septic system and this development plan violate the County's own ordinance.** Pending litigation over whether a particular piece of paper was filed timely or late does not address the substance of the DHEC Board's determination.

    f) The Commission Vice Chairman mistakenly thought that all that mattered was the legal posture of the subsequent legal wrangling in reviewing the DHEC Board's decision; but those legal fights are based purely on technical procedural issues, and those legal proceedings have not questioned the substantive decision of the DHEC Board that the septic system for this development has only half the capacity that it should have. But the County ordinance is understandably not written just to follow some legalistic technical process. It **requires a system "approved by DHEC."** This system has been **rejected by DHEC's highest authority as severely inadequate**. See the attached Final Agency Decision of the DHEC Board.

To protect public health and safety and to follow the law, the Commission could not approve this development plan, yet it went ahead and did so in haste and without hearing fully from the Concerned Citizens about the many problems with this development plan.

Staff failed to present the complete and accurate status of the septic permit to the Commission. The Commission has the duty to correct staff errors pursuant to ULMO Section 5.01-2.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

The Commission violated this very clear requirement of the ULMO that the developer have a septic permit "approved" by DHEC. The violation of this requirement of the ULMO by the Commission was arbitrary, unreasonable, not based upon competent evidence, in clear abuse of its discretion, and unlawful.

2. "**COMFORT STATIONS:"** For an RV park, Section 3.13(4) provides that **"no site shall be located…less than 300 feet from a comfort station."** This is mandatory.

   a) A comfort station is a "bathroom" or "restroom." A comfort station is not an RV sewer connection hose as suggested by the developer to the staff.

   b) Concerned Citizens noted that there were no comfort stations on any of the developer's site plans posted by the County on March 3, 2023. Concerned Citizens emailed staff on March 6, 2023. Staff did not reply. (See attached emails.)

   c) The proposed RV park will have sites for 49 RVs and an additional 75 parking spaces for other vehicles. The number of park patrons in part illustrates the public health reason for a comfort station/restroom. Up to 75 carloads of patrons will be in the park without a camper containing a toilet.

   d) At the Commission meeting, staff arbitrarily and unlawfully recommended a waiver of the comfort station/restroom requirement. This is a public health issue and contrary to the public interest, which the Commission and staff chose to unlawfully disregard.

   e) The Commission never questioned this arbitrary and unlawful waiver of the requirement for a comfort station/restroom, and it never inquired as to who authorized this waiver of a specific ULMO requirement.

   f) The elimination of a comfort station is a variance and waiver of ULMO Section 3.13(4). Notice and a public hearing are required by Art. III, Public Hearings, Section 2 of the Commission's Rules and Procedures. The variance and waiver were arbitrarily and unlawfully decided by the staff. The Commission acted arbitrarily and unlawfully in failing to follow the proper procedure for deviations from the specific ULMO requirements.

   g) In 2021, **staff informed the developer that a comfort station must be included "or we will not be able to approve the plan" per ULMO 3.13.(4)**. (See attached 2 emails from Brandy Blake, Planning and Development Department, to the developer's engineer in 2021.)

The staff's recommendation to conditionally approve this project without a comfort station and to summarily disregard this ULMO requirement was in error. The Commission has the duty to correct staff errors pursuant to ULMO Section 5.01-2.

In fact, the evidence is that the Planning and Development Department previously informed the developer that the County would "not be able to approve the plan" without the inclusion of a comfort station/restroom at the RV park.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Concerned Citizens were denied the opportunity to speak and address the Commission on this public health issue and the spontaneous and unlawful variance by staff regarding the comfort station/restroom requirement of the ULMO. The decision by the Commission to waive this requirement of the ULMO Section 3.13(4) was completely arbitrary and not supported by substantial evidence. The violation of this requirement of the ULMO by the Commission was arbitrary, unreasonable, in clear abuse of its discretion, and unlawful.

3. **"PUBLIC WATER:"** For an RV park, Section 3.13(8) provides **that "Each park site shall be serviced by public water."** This is mandatory.

   a) The County's blank application for a major site plan **differentiates between public water and a well**. (See attached blank application form.) A copy of the blank application was provided by Concerned Citizens to each Commissioner in a packet before the meeting started and was ignored.

   b) The application form requires the applicant *to select between "water **or** well."*

   c) The requirement of public water is a public health issue.

   d) Public water (piped with pressure) is a critical component of an adequate fire suppression system.

   e) The developer stated in its application that its "water source" was "ICW" (Inman Campobello Water District), which is piped water from a public water district system. This is a significant inconsistency. Yet, the Commission approved a "well."

   f) **For purposes of ULMO compliance, a well is not public water**. The common meaning of "public water" is piped water from a public water district system. The blank application form fully supports this meaning of "public water" by differentiating "water" or "well" in the selections to be made on the form.

   g) In fact, the developer's DHEC septic permit is based upon "public water" and not a well. On the agency's form application, DHEC provides a box to check for "public water" **or** "well. The developer **checked "public water"** on its application. The developer also stated that there will be "**2 public restrooms**" on the septic permit application. The developer has now made significant modifications: changing to a well for its water source and eliminating all rest rooms. (See attached application by the developer to DHEC for its septic permit.)

   h) The situation presents a public health and public safety matter in Spartanburg County. Potential negative impact of a commercial well on nearby residential and agricultural wells is also posed. Concerned Citizens have consulted with a hydrogeologist on this issue.

   i) DHEC does not have jurisdiction over what source is required for water for a local land development. That is within the power of local government. ULMO Section 3.13(8) is controlling as to what water source is required for the RV park.

j) The septic permit issued by DHEC on June 22, 2021 contains a condition:

> **"<u>Any changes to the system must be approved by DHEC</u>. Any unapproved changes will *VOID* this permit."** (See attached septic permit).

k) <u>The developer has **changed its water source from public water to a well and deleted the 2 public restrooms**</u>. Any modification to the developer's permit <u>must</u> be approved by DHEC. Absent DHEC's approval of these modifications, the permit is VOID. The Commissioners asked questions about staff discussions with DHEC but did not inquire whether these changes had been approved by DHEC.

l) The failure of the staff to require proof from the developer of DHEC's approval of these 2 significant changes in the septic permit was in error and unlawful.

Concerned Citizens were denied the opportunity to speak and address the Commission on this public health and safety issue.

The staff's recommendation to disregard this ULMO requirement for "public water" was in error. The Commission has the duty to correct staff errors pursuant to ULMO Section 5.01-2.

The Commission must enforce the County's requirement that an RV park <u>must</u> be supplied with "public water" as set forth in ULMO 3.13(8). The Commission's action to grant Conditional Approval with a well as the water source and to disregard the explicit requirement of the ULMO for "public water" was arbitrary, unreasonable, is not supported by substantial evidence, poses a public health risk, poses a public safety (fire) risk, and is unlawful.

4. "**<u>NATURAL FEATURES and LANDSCAPE</u>:"** For an RV park, Section 3.13(2) provides that **"The site <u>shall</u> be developed in a manner that preserves natural features and landscape."** This is mandatory.

a) The proposed RV park is located immediately adjacent to the largest parcel under private conservation easement with Upstate Forever. The parcel is surrounded by thousands of acres of land with private conservation easements and conservation-focused covenants and restrictions.

b) Threatened species of plants exist on the site. Hexastylis naniflora (Dwarf Flowered Heartleaf) is a federally-protected threatened species and a high priority species in South Carolina's State Wildlife Action Plan. (See attached reports: Terra Incognita-L.L. Gaddy and Mountains to Sea Ecological, which identifies "several hundred clumps" of the dwarf heartleaf on the embankments on both sides of Goldmine Creek, which flows through the RV park parcel.) The developer has not conducted a survey to locate the plants on the site and has not conducted a study to determine what must be done to preserve these natural features on the site or to prevent adverse impact on plants off the site and downstream. The development plan contains absolutely nothing to preserve these natural features or these parts of the landscape, and there is no mention of these natural features or the landscape in the conditions.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

c) In fact, the current plan includes a detention pond which is to be built very near the stream and land disturbance and construction on the hillside. **It is obvious that this plan will destroy federally-protected and state-listed plants or their habitat or both.**

d) In addition, Goldmine Creek, which runs along the property, is a high-quality Piedmont headwaters stream that provides habitat and clean water for this species as well as the Ashy Hydrangea, another rare species listed in the State Wildlife Action Plan. Again, nothing in the development plan or the conditions provides for protections of this special water resource or for its function as an essential part of the habitat for these rare species downstream.

e) Goldmine Creek is a first-order, freshwater tributary of the North Pacolet River, which feeds into Lake Bowen and the Spartanburg water supply. The creek is one of the last few "pure streams" in the State. Stormwater and runoff issues exist with the proposed RV park. Also, the discharge of odor suppressing chemicals from RV wastewater holding tanks into a septic system above this creek is a major pollution concern.

f) Four conservation organizations have joined in this matter to protect the natural resources and environment from the harm which this RV park poses: Upstate Forever, the South Carolina Environmental Law Project, the Southern Environmental Law Center, and the South Carolina Native Plant Society.

g) Staff and the Commission failed to address this requirement of the ULMO in its review of the application. The staff had been made aware of this parcel being located in a conservation area and next to Goldmine Creek in 2021 and continued to ignore these facts of the rare plant species and of Goldmine Creek.

The staff's failure to address this ULMO requirement in its review of the application was in error. The Commission has the duty to correct staff errors pursuant to ULMO Section 5.01-2.

Concerned Citizens were denied the opportunity to speak and address the Commission on this requirement of the ULMO. Concerned Citizens were denied the opportunity to provide an ecological report identifying the federally-protected and state listed species of plants as well as the unique environmental conditions of Goldmine Creek. The violation of this requirement of the ULMO by the Commission was arbitrary, unreasonable, in clear abuse of its discretion, and unlawful.

5. **RV NOT TO BE USED AS RESIDENCE:** ULMO Section 3.03-2 states that **an RV may not be used as a residence** for more than 90 days within a 12-month period and only while building a residence on site.

a) The developer's application states that "The business will have one employee," i.e., the "work camper" or "camp host" living onsite in an RV to check guests in and out and take payments.

b) The developer stated in the application documents that she will be living on-site in an RV to manage the RV park for the first 6 months. No residence is being constructed.

c) Staff arbitrarily and unreasonably failed to enforce this ULMO provision in reviewing the specifics provided by the developer in its application.

d) This is a violation of the ULMO Section 3.03-2 and constitutes a staff error to overlook this provision.

The staff's failure to address this ULMO requirement in its review of the application was in error. The Commission has the duty to correct staff errors pursuant to ULMO Section 5.01-2.

Concerned Citizens were denied the opportunity to speak and address the Commission on these requirements of the ULMO. The violation of these requirements of the ULMO by the Commission was arbitrary, unreasonable, in clear abuse of its discretion, and unlawful.

B. THE COMMISSION VIOLATED ITS OWN RULES OF PROCEDURE.

1. SC Code 6-29-360 and the Planning Commission Rules and Procedures were violated at the Commission Meeting on March 7, 2023. Section 7 of the Commission's Rules, which must be adopted and followed per the State Planning Act, SC Code 6-29-360, provides:

> "Except for public hearings, no person other than Commission members and appointed staff shall speak at a Commission meeting **unless recognized by the Chairman and invited to speak.** All persons speaking shall state their name for the public record."

State law and the Commission's Rules and Procedures were violated by permitting the developer's attorney to speak without being recognized, invited, or sworn, and no time limit was imposed upon him.

The Commission Rules and Procedures were also violated by imposing a limitation on which person(s) could speak on behalf of the 80-100 Concerned Citizens who were present, when a few planned to request to be invited to speak as provided in the Commission Rules and Procedures.

a) During the staff presentation of this application to the Commission, Vice Chairman McCall stated the developer's "engineer" would be allowed to speak.

b) Vice Chairman McCall then allowed the developer's attorney, Alex Shissias, to speak and address the Commission on multiple issues. The developer's attorney walked from the back of the room to the podium and took the microphone.

c) The developer's attorney was allowed by the Vice Chairman to speak and to present detailed statements and opinions to the Commission related to the DHEC septic permit, on-site well drilling, obtaining a public water line, opposition from residents, action by the State Administrative Law Court regarding the septic permit issued in June 2021, and legal proceedings. The developer's attorney advised the Commission that a septic permit need not be specified as a new condition for approval.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

d) The developer's attorney did **not ask to be recognized, was not invited to speak by the Vice Chairman, was not sworn in, and no time limit was imposed upon him.** This was all in violation of the Commission's Rules and Procedures.

e) The developer's attorney may not have even stated his name or identified himself as the developer's attorney. Concerned Citizens are seeking an audio recording of the meeting to confirm.

f) The RV park developers' attorney was seated at the Commission meeting next to the developers, William A. McDaniel and Kimberli Burnett, managers of Blue Sky Associates, LLC. William A. McDaniel is well known to officials and staff within County government. Mr. McDaniel has been appointed by County Council to sit on a County Board for multiple terms since 2019. Mr. McDaniel was also appointed by County Council in 2020 to serve on an ad hoc committee with several other County Councilmen concerning water issues in Lake Bowen.

g) Several days prior to the meeting, a Concerned Citizen emailed Chairman Kennedy and Vice Chairman McCall and requested that a few Concerned Citizens and he be allowed to speak in accordance with the Commission Rules of Procedure. (See attached email from William P. Mills, Jr.) The Commissioners did not reply.

h) On March 3, 2023, the County posted a new site plan dated March 1, 2023 which increased the site for this RV park by 250%. The March 1 site plan significantly altered prior plans dated February 7 and February 16, 2023. Citizens were not allowed to speak or ask questions about this major increase in size of the park being announced 2 business days before the Commission meeting. The Commission did not inquire about this significant increase.

i) At the meeting, Vice Chairman McCall first announced that he would not allow Concerned Citizens to speak. After the matter was tabled to the end of the meeting, Vice Chairman McCall stated that he would allow Russell Rock, a Concerned Citizen, to speak for 5 minutes, but Mr. Rock would not be allowed to ask any questions. Mr. Rock was not prepared to speak and asked to yield the allotted 5 minutes to other Concerned Citizens who had prepared to speak on specific issues including the septic permit litigation update and road safety. Vice Chairman McCall denied the request stating, "You and only you."

j) Mr. Rock requested that Concerned Citizens be allowed to provide useful information to the Commission so that it could make a "well-reasoned, informed decision" as to the proposed RV park.

k) Vice Chairman McCall asserted that no other Concerned Citizens would be allowed to address the Commission and refused information from Concerned Citizens about the many issues, including private ownership of the roads, misrepresentations, errors by staff, accurate status of the septic permit, road safety report, health, safety, and non-harmonious and incompatible development in the subject agri-residential conservation area.

l) Mr. Rock did not know all of the Concerned Citizens in attendance and did not know what they may have wished to speak to the Commission about.

m) Mr. Rock swore himself before speaking.

n) Vice Chairman McCall imposed a 5-minute time limit on Mr. Rock.

o) Vice Chairman McCall cut Mr. Rock off at the 5-minute mark.

2. The Commission allowed the developer's attorney to speak and present information and opinions. Yet, the Commission unlawfully constrained Concerned Citizens and ignored their Constitutional rights to be heard on critical safety and health issues as well as private property rights (ownership of roads which are the route to/from the RV park).

These actions violated the Citizens' Constitutional rights, the Planning Commission Rules and Procedures, the State Planning Act, and the ULMO. These actions by the Commission were arbitrary, unreasonable, in clear abuse of its discretion, and unlawful.

C. INCORRECT AND INCOMPLETE INFORMATION WAS RECEIVED BY THE COMMISSION ON ROAD SAFETY. THE COMMISSION ERRED IN GRANTING CONDITIONAL APPROVAL WITHOUT ADEQUATELY ADDRESSING PUBLIC SAFETY.

1. The Commission improperly conflated 2 separate reports dealing with traffic flow and road safety.

a) In open discussion, the Commissioners confused the developer's Traffic Impact Analysis ("TIA") and the separate Road Safety Audit.

b) These are 2 <u>separate</u> reports. (See attached pages from the TIA and the Road Safety Audit.)

c) The TIA simply addresses projected volume and direction of traffic generated from the RV park.

d) The 10-page Road Safety Audit by J.M. Teague Engineers assessed the hazardous impact ("danger") of RVs on the narrow roads that are the direct GPS routes to and from the proposed RV park. RVs will not physically fit on the 16-foot-wide roads, which are <u>owned</u> by citizens whose properties include the roads.

e) Richie Smith, County Development Coordinator in the Stormwater Department, addressed the TIA, and said there was no problem. He <u>did not address the Road Safety Audit</u>.

f) From the dialogue between Commissioners and Mr. Smith, it was clear that there was confusion about the separate Road Safety Audit.

g) Incorrect, incomplete, and misleading information was presented to the Commission by staff.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

h) Concerned Citizens were not allowed to speak and address this incorrect, incomplete, and misleading information and clarify that the TIA and Road Safety Audit were separate.

i) The Road Safety Audit was provided by Concerned Citizens to each Commissioner in a packet, which Commissioners wholly ignored and disregarded at the meeting.

j) The Road Safety Audit was given to several County staff members, including the County Administrator, 3 County Councilmen, and the County Attorney in August 2021 at a community meeting. The road safety engineer presented his findings in person. This written Road Safety Audit is in the County's possession and has been for 18 months.

k) It was evident at the meeting that the Commissioners were not provided with the Road Safety Audit by staff.

l) In the Road Safety Audit, the qualified road safety engineer concluded that that RV traffic from the proposed RV park over the only routes to/from the park **"adds additional danger to already dangerous roads." These roads are privately owned by the citizens.**

m) This poses a major danger to health, safety, and general welfare of all persons using these privately owned roads for travel and daily recreational purposes, including jogging, cycling, horseback riding, and training by the Landrum High School track team.

n) Concerned Citizens were denied the opportunity to speak and address the Commission on this major public safety issue involving their privately owned roads. Concerned Citizens attempted to present photos (contained in the packet for each Commissioner) of a school bus going off Landrum Mill Road (17 feet wide) onto the shoulder to pass another bus as well as a car and pickup truck not being able to stay on the pavement next to ditches on another narrow, privately owned road (16 feet wide). These roads are the primary GPS routes to and from I-26 to the RV park. RVs cannot physically fit and present a major safety hazard on these roads, especially with no shoulders, deep ditches, steep slopes, blind curves, and hills.

2. Concerned Citizens submit that the Commission must consider the Road Safety Audit in its deliberations on this project pursuant to the US Constitution, SC Constitution, the State Planning Act and the ULMO. Specifically, the State Planning Act's purpose and policy imposes a duty upon the Commission to promote "safety."

3. To ignore these road conditions and expert findings regarding the significant danger and hazards of the proposed RV park traffic is in conscious disregard of the rights of citizens, public safety, and public well-being.

4. The Commission totally and unlawfully disregarded the citizens' private property rights/ownership in the subject roads which will be saddled with major hazards from RVs and park traffic.

The Commission deliberated upon erroneous, incomplete, and misleading information presented to it by the staff. The Commission has the duty to correct staff errors pursuant to ULMO Section 5.01-2.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

The Commission erred in granting Conditional Approval of the plan without fully addressing public safety and private property rights. The actions by the Commission were arbitrary, unreasonable, in clear abuse of its discretion, not based upon competent evidence, and unlawful.

D. THE COMMISSION TOTALLY DISREGARDED THE FACT THAT CONCERNED CITIZENS OWN THE SUBJECT ROADS. MILES OF THESE ROADS ARE IN LANDS UNDER CONSERVATION EASEMENT WITH UPSTATE FOREVER.

1. The proposed RV park is located on Landrum Mill Road. The commercial traffic to/from the RV park, including large RVs, will travel on Landrum Mill Road.

   a) Citizens **own to the center line of Landrum Mill Road**, except for a few feet at the RV Park entrance.

   b) About one-half mile of Landrum Mill Road at the RV Park entrance is owned to the center by Greenspace, LLC and **under formal conservation easement with Upstate Forever**.

2. **All portions** of the roads which are the GPS routes to/from I-26, Exit #1 to/from the RV park, are **privately owned.**

   a) These roads include Turkoman Trail, Racetrack Road, and Fairwinds Road.

   b) Turkoman Trail and Racetrack Road are about 2 miles long, totally contained within Greenspace, and are **under private conservation easement with Upstate Forever.** These roads are used for recreational purposes and include trails which cross over the roads.

   c) These roads are 16 feet wide and present hills, steep slopes, curves, no shoulders, and deep ditches. These roads are not safe for RV traffic as concluded by a qualified road safety engineer.

   d) The county maintains these roads for habitual, low-volume, rural-residential traffic under a prescriptive easement, as asserted by the county.

   e) The RV park will add 75,000 vehicles per year, including large RVs with vehicles in tow, to these roads per the developer's traffic projections.

3. This enormous volume of commercial traffic consisting of large RVs will unlawfully interfere with the road owners' private property rights and is non-harmonious development. Such traffic would not be habitual, not be low-volume, and not be rural-residential. Such RV park traffic would be high-volume commercial, for-profit traffic which exceeds, abuses, and overburdens any prescriptive easement claimed by the county, particularly through a formal conservation area. Such traffic would not be compatible use of the privately owned, rural-residential roads as set forth in the Comprehensive Plan.

4. This enormous volume of commercial traffic consisting of large RVs would pose an undue and

unreasonable liability and insurance burden on the road owners particularly with the road safety engineer's opinion concerning the danger posed by RV traffic with road conditions.

5. Concerned Citizens were denied the opportunity to present information on their private property rights and road ownership to the Commission. The county is totally aware of private ownership of the roads. This issue was addressed in 2021 in the Road Safety Audit, which was provided to multiple members of county staff in person. The staff failed to present this information to the Commission on March 7, 2023 and misrepresented to the Commission that there was "no problem."

The Commission disregarded the fact that the subject roads are privately owned and refused to allow citizens to present this information on March 7, 2023. These actions by the Commission were arbitrary, unreasonable, in clear abuse of its discretion, not based upon competent evidence, and unlawful. The actions by the Commission to deny due process to Citizens and disregard private property rights is a violation of the United States Constitution and the SC Constitution.

E. THE SC FREEDOM OF INFORMATION ACT WAS VIOLATED: Citizens were locked out from the Commission Meeting.

1. Section 30-4-60 of the SC Freedom of Information Act ("FOIA") was violated by the County Administration, County Staff, the County Attorney, and the Commission at its regularly scheduled meeting on March 7, 2023.

   a) At the meeting, the Commission moved the RV park matter to the end of the agenda. There were 80-100 Concerned Citizens in attendance who were hoping for a meaningful discourse on the key issues.

   b) Upon this change in the agenda order, about half of the Concerned Citizens stepped into the hall outside of chambers.

   c) Many Concerned Citizens were then locked out and refused re-entrance to the meeting by a uniformed guard/officer.

   d) The doors to the County chambers were locked so as to prohibit entering from the hall.

   e) The County Attorney was present at the Commission meeting and acted to oversee the procedures at this meeting. Other County staff members were also present.

   f) When Concerned Citizens knocked on the door, a uniformed guard/officer refused to let them enter and stated that the meeting had to be finished (without them entering).

   g) About half of the Concerned Citizens, many who are senior citizens, left when the RV park item was moved to the end of the agenda by the Commission and re-entry was denied.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

2. The open meeting provision of the SC Freedom of Information Act, Section 30-4-30, provides that every meeting of all public bodies "shall be open to the public" unless closed pursuant to specific provisions of the Act.

   a) This statute was violated, and actions taken by the Commission at the March 7, 2023 meeting may be deemed null and void.

   b) SC Code 6-29-360 and the Planning Commission Rules and Procedures (Art. II, Section 2-Compliance with SC Freedom of Information Act) were also violated.

Concerned Citizens have filed a complaint about this FOIA violation with the SC Attorney General's office.

F. THE PLANNING COMMISSIONERS WERE GIVEN INCORRECT SITE PLANS (from 2021) FOR THEIR DELIBERATIONS ON MARCH 7, 2023. THIS CONSTITUTES ERROR IN THEIR REVIEW AND DECISION.

1. At the meeting on March 7, 2023, the Commissioners were to review a new application submitted by the developer on February 7, 2023 for its proposed RV park. From all indications, the Commissioners reviewed incorrect site plans from a prior application in 2021, which contained errors about ownership of the roads (owned by citizens) and a misrepresentation about a non-existent right of way. This misrepresentation was acknowledged by the County in 2021.

   a) The developer previously applied for development of this RV park on the same parcel in February 2021 with site plans dated February 24, 2021. Those 2021 site plans are substantially different from the March 1, 2023 site plans.

   b) Of utmost importance, **the 2021 site plans contain a material misrepresentation of a non-existent right of way (for a water line). This misrepresentation was acknowledged by the County**.

   c) On July 13, 2021, the Director of Public Works wrote to the County Attorney that the site drawings contained a "misrepresentation of the ROW along Landrum Mill Road," and that needs to be "corrected." (See attached County internal email communication.)

   d) A condition of the Conditional Approval of March 7, 2023 was that that the prior 2021 application be withdrawn. The 2021 application was not on the Commission meeting agenda for March 7, 2023.

   e) After the March 7, 2023 meeting concluded, Concerned Citizens observed and picked up full-size site plans which were left behind by the Commissioners on the table at their chairs. **These site plans are dated February 24, 2021.** Concerned Citizens **did <u>not</u> observe any site plans dated <u>2023</u>** on the table in front of the chairs.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

f) In 2021, the February 24, 2021 site plans were acknowledged by the County to contain a misrepresentation. The plans contain a **material misrepresentation** of private property rights and a non-existent right of way.

g) Concerned Citizens are informed and believe that the County staff presented **these incorrect and misleading site plans from 2021, which contained a critical erro**r, to the Commission on March 7, 2023 for its deliberations. On July 6, 2021, Concerned Citizens alerted the Commission to the critical misrepresentations in these and other site plans, and the County internal communication about the misrepresentations followed a week later on July 13, 2021.

h) The fact that the Commissioners had the February 2021 site plans in front of them raises the question as to whether they were reviewing the proper site plans associated with the 2023 application under deliberation.

i) Concerned Citizens are informed and believe that the Commissioners were given the wrong site plans by County staff and that the Commissioners did not properly deliberate upon the March 1, 2023 site plans for the pending application.

2. If the Commissioners did not have the correct site plans of March 1, 2023 to review and rather deliberated upon the incorrect plans of February 2021 with material misrepresentations, then the Commission erred. The Conditional Approval issued by the Commission on March 7, 2023 would be null and void as a violation of the State Planning Act and the ULMO.

3. Even if the Commissioners reviewed the 2023 plans, they should not have been given the 2021 site plans **which were acknowledged by the County (in an internal communication) to contain misrepresentations about private property rights, a non-existent right of way, and road ownership.** To review and deliberate upon incorrect site plans with misrepresentations was an error by the Commission. This error renders the Conditional Approval null, void, and unlawful.

4. Of equal importance about site plans: The site plans of March 1, 2023 were posted with the Commission's agenda on March 3, 2023. These site plans **increased the overall footprint of the proposed RV park by 250%** (15 acres to 38 acres). In its new 2023 application dated February 7, 2023, the developer submitted 3 or more sets of original and revised site plans. Concerned Citizens are aware of site plans dated February 7, 2023, February 16, 2023, and March 1, 2023. The later revised plan was posted by the County on March 3, 2023 on its website (Agenda Center) and contained the 250% increase in the size of the acreage to be used for the RV park.

   a) The 250% increase in size of the proposed RV park (posted 2 business days prior to the Commission meeting on the internet) was not discussed or considered by the Commission.

   b) No questions were asked by the Commissioners.

Concerned Citizens were not permitted to ask questions about this substantial increase in size of the proposed RV park footprint. The Commission's failure to address this last minute, major change in the site plans was in error and unlawful.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

G. NO VOTE WAS HELD IN OPEN FORUM WITH REGARD TO CONCERNED CITIZENS' REQUEST FOR PUBLIC HEARING.

1. On February 28, 2023, a written Request for Public Hearing was submitted by 449 Concerned Citizens **specifically to the Members of the Planning Commission**. The request was not based exclusively on the ULMO but also the SC Constitution and the State Planning Act.

    a) Prior to the start of the Planning Commission meeting on March 7, 2023, Vice Chairman McCall told Concerned Citizen Russell Rock that the Commission would not hold the requested public hearing.

    b) On March 3, 2023, Councilman Jack Mabry advised a constituent that there would not be a public hearing with the Commission and that "if it does not turn out, you can push it to the Circuit Court of Appeals."

    c) The Commission did not discuss, consider, or vote on the Citizens' Request for Public Hearing in open forum at the meeting on March 7, 2023.

    d) Despite repeated inquiries, Concerned Citizens have not been informed of who reviewed and made decisions on the 449 Citizens' Request for a public hearing pursuant to the SC Constitution, the State Planning Act, and the ULMO.

2. This action by the Commission violates the SC Freedom of Information Act (open meetings per SC Code 30-4-60) and the SC Constitution. This action is unlawful.

H. PREJUDICIAL AND BIASED REMARKS WERE MADY BY THE COMMISSION VICE CHAIRMAN.

1. Introductory remarks by Vice Chairman McCall at the Commission meeting on March 7, 2023 were prejudicial, inherently influential, and improper.

    a) At the beginning of the T Tree Farms RV park application coming up on the meeting agenda, Vice Chairman McCall made a general statement to the Commission, staff, and audience about **"this RV park <u>THAT IS GOING IN</u>."**

    b) This statement was highly prejudicial, biased, displayed a preconceived notion about approval, was not impartial and inherently influential. This remark by the Vice Chairman cast undue influence on the Commissioners <u>before</u> any presentation on the project by staff and <u>before</u> any deliberation by the Commissioners.

2. This improper, prejudicial, and biased remark by the Vice Chairman, who was the presiding officer conducting the meeting, tainted the Commission's deliberations. The Vice Chairman exceeded his function and duty to conduct the meeting. Outside of a formal discussion, the Vice Chairman is not authorized to express his personal opinions in the meeting. His improper, prejudicial, and conclusory remark renders the Conditional Approval and the vote thereon null, void, and unlawful.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

I. THE PLANNING COMMISSION VIOLATED THE STATE PLANNING ACT, THE COMPREHENSIVE LAND USE PLAN, and the ULMO.

1. The County is required by the State Planning Act, Section 6-29-510, to implement its Comprehensive Plan and to establish a planning commission to function for a specific purpose.

   a) In granting Conditional Approval, the Commission violated the State Planning Act by not following the policy, purpose, and requisite elements of the State Planning Act, the Comprehensive Plan, and the ULMO. These elements include a natural resources element, community facilities element (water supply, sewage system/wastewater treatment), and land use element (consideration of existing land use).

   b) The State Planning Act requires the County to adopt and implement its Comprehensive Plan. That plan requires the County to use measurable criteria to limit the impact of adjacent land uses on one another and consider incompatibility resulting from traffic, noise, light, intensity of use, visual impact, and environmental impact. A stated goal of the Comprehensive Plan is to "prohibit intense incompatible nonresidential development from location on roads where the majority of the activities are residential." The Staff Recommendation to the Commission did not contain any of these evaluations, and the Commission failed to review, evaluate, and deliberate on the application with consideration of these criteria. This failure to so act violates the State Planning Act.

   c) The Mission Statement of the Planning and Development Department is "to plan comprehensively for the orderly growth and harmonious development" of Spartanburg County. The Commission disregarded its mission, policy, and purpose to plan for "harmonious" development and refused to allow citizens to provide information about their agri-residential area, which is immediately adjacent to and surrounds the proposed RV park. The land that surrounds the proposed RV park is a 5,000-acre conservation-focused area with thousands of acres under formal, private, conservation easements with 2 land trusts. These lands are subject to deeded, conservation-focused covenants and restrictions. The commercial RV park is NOT harmonious and compatible development in this area. This violates the State Planning Act and the ULMO.

   d) Under State law, the County's ULMO, the county's land development program is implemented by the Commission and must promote public health, safety, and general welfare. The Commission unlawfully failed to consider public health, safety, and general welfare in its review and deliberations on the subject application.

   e) The Commission's Conditional Approval does not promote public health, safety, and general welfare. On the contrary, the Conditional Approval poses a threat to these elements. The septic permit and septic system pose a threat to public health as determined by the State DHEC Board. The septic system poses a threat to the environment and the federally-protected threatened species on and near the RV park parcel. The RVs on the roads owned by Concerned Citizens pose a threat to public safety and add "additional danger to already dangerous roads" as determined by a road safety engineer. This violates the State Planning Act and the ULMO.

f) As a matter of public safety, the Fire Plan for this proposed RV park warrants further review. Concerned Citizens were not given time to speak and address this at the Commission meeting on March 7, 2023. Local engineers reviewed the plan. On its face (with 3,000 gallons of water in an underground storage tank that is not pressurized, dry hydrants, and no public water to the site), the plan appears insufficient for an RV park. Concerned Citizens recently received a copy of the Fire Plan and must be afforded a reasonable opportunity to review the plan for adequacy. The safety and properties of Concerned Citizens are at stake. To prevent Citizens from providing input on the issue of fire suppression for this large commercial RV park development is a violation of their Constitutional rights, the State Planning Act, and the ULMO.

2. The Commission violated specific requirements of the State Planning Act and the ULMO in its Conditional Approval of this major land development. The Commission disregarded information and competent evidence from Concerned Citizens and other sources concerning these requirements.

The Commission's decision was arbitrary, not supported by competent evidence, and is unlawful.

J. CITIZENS' RIGHTS TO DUE PROCESS WERE VIOLATED.

1. The South Carolina Constitution, Article I, Section 22 provides:

> "No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard."

2. The United States Constitution imposes constraints on governmental decisions which deprive individuals of liberty or property interests.

3. The fundamental requirements of due process include notice and an opportunity to be heard in a meaningful way.

4. The Commission has the duty to afford Concerned Citizens their Constitutional rights including due notice and an opportunity to be heard in meaningful way.

5. The Vice Chairman summarily and unlawfully denied the request of 449 Concerned Citizens for a Public Hearing and further denied the requests of many Concerned Citizens to be heard at the March 7, 2023 meeting. If time constraints were an issue, the Commission should have rescheduled this major land development application to another date and given Concerned Citizens the opportunity to speak and be heard.

6. The Commission failed to afford Concerned Citizens their fundamental Constitutional rights under the United States Constitution and the South Carolina Constitution. The Conditional Approval granted by the Commission is unlawful.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

7. The Commission violated its own Rules and Procedures. Commission Rules, Art. III, Public Hearings, Sections 2.3 provide that a public hearing before the Commission is a "forum for people interested in the subject matter to present information to the Commission for their consideration as they deliberate an issue." Concerned Citizens were not afforded a public hearing by the Commission.

REQUEST FOR RECONSIDERATION

In summary, the State Planning Act provides that the function and duty of the Commission is to promote public health, safety, and the general welfare of its area of jurisdiction. The Commission is obligated to perform that duty.

The actions of the Commission at the meeting of March 7, 2023 and review of the above application failed to comply with the State Planning Act as well as the United States Constitution, the South Carolina Constitution, the SC Freedom of Information Act, and the ULMO. The actions of the Commission on March 7, 2023 were in error, arbitrary, not supported by substantial, credible evidence, and unlawful. The Commission breached its statutory duty, and the Conditional Approval of March 7, 2023 is unlawful.

This major land development poses a very real threat to citizens' safety, health, general welfare, private property rights, and the environment. Concerned Citizens have been denied their Constitutional rights. Concerned Citizens have also been denied the opportunity to provide correct, relevant, competent evidence to remediate the incorrect, misleading, and erroneous material and lack of proper information upon which the Commission deliberated.

The *South Carolina Guide to Land Use Planning*, which is published by the South Carolina Association of Counties, states that a local planning commission "serves as the citizen advisory group" to the County. A commission exists to carry out "a continuing planning program for the benefit of the community it serves." The Guide further notes that there is a need for public input and plans require a "close and continuous collaboration between citizens and local government."

Public safety is a valid concern and is a matter of public policy in any land development. Safety must be a consideration for the Commission as required by the policy and purpose of the State Planning Act as well as the ULMO. Many of Concerned Citizens own the roads which are the primary routes of ingress and egress to the park. The RV park traffic will flow over the private roads owned by Concerned Citizens and present real safety hazards and "danger" as identified by a qualified road safety engineer after a comprehensive, on-site study. Concerned Citizens will be directly impacted by the safety hazards imposed by the RV park traffic on their private roads, which are too narrow to physically and safely accommodate the RVs. Concerned Citizens will also be impacted by the additional traffic (75,000 vehicles per year) generated by the park. The Commission's Conditional Approval is in total disregard of the safety of Concerned Citizens and their property rights. Thus, the Conditional Approval is unlawful.

Health of citizens is a valid concern and is a matter of public policy in any land development. Public health must be a consideration by the Commission as required by the policy and purpose of the State

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Planning Act as well as the ULMO. The health of Concerned Citizens is irrefutably threatened by a septic system which the SC Board of Health and Environmental Control determined to be undersized and lacking capacity. The Board did not approve the permit but rather rescinded it, citing the State Pollution Control Act Section 101 (C) (real or potential threats to the health of citizens). The Commission is permitting a major land development to go forward with this deficient septic permit. The Commission's Conditional Approval is in conscious disregard of the rights and health of Concerned Citizens. Thus, the Conditional Approval is unlawful.

The environment and natural resources of the State of South Carolina are valid concerns and matters of public policy in any land development. The impact upon the environment, including federally-protected threatened plant species, pollution of citizens' drinking water wells, and pollution of the public drinking water system, must be a consideration by the Commission as required by the policy and purpose of the State Planning Act as well as the Federal Clean Water Act, the State Pollution Control Act, and the ULMO. The environment and citizens' drinking water are clearly threatened by the septic system proposed by the developer. The SC Board of Health and Environmental Control made that determination on December 21, 2021 when it rescinded the septic permit under the State Pollution Control Act. (This may be the first time in the State's history that the Board so acted to rescind a septic permit.) The odor suppressing chemicals used in RV wastewater holding tanks are harmful, contain carcinogens, and will be discharged into the ground above Goldmine Creek through an undersized, deficient septic system.. These harmful chemicals have been banned from use in RVs in other states and have been the subject of an EPA bulletin and numerous research studies. The Commission's Conditional Approval is allowing a major land development to go forward in conscious disregard of the environment, natural resources, and drinking water of this State. Thus, the Conditional Approval is unlawful.

The County Administration, the County Attorney, County Council, and the Commission seem to contend that no public hearing is required by the ULMO and that the citizens do not have a right to be heard in this matter solely based upon the ULMO. Such a contention supports the argument that the entire ULMO, Spartanburg County land development program, and Commission Rules and Procedures are unconstitutional and violate the fundamental principles of due process of the United States Constitution and the South Carolina Constitution.

This RV park project is not a routine land development application but yet was pushed forward by the County in 28 days. The Commission acted hastily and unlawfully disregarded many critical issues.

- An identified, serious threat to citizens' safety on the roads is involved.
- The largest private conservation area in the Upstate is involved.
- Identified, serious threats to citizens' health, drinking water, and the environment are involved.
- Federally-protected and State-listed threatened species of plants are involved.
- Development which is not harmonious and not compatible is involved.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

- Violations of the mandatory provisions of the State Planning Act and ULMO are involved.
- Private property rights of citizens are involved.
- Of great importance, fundamental Constitutional rights of citizens are involved.

For the foregoing reasons and good cause:

We, the People, who are the affected and Concerned Citizens, request (1) that the Commission acknowledge the numerous errors and violations in its review of the subject application; (2) that the Commission immediately stay its Conditional Approval of March 7, 2023 until such time as the Commission can fully review and reconsider the issues raised herein in light of the irreparable harm being threatened to citizens' health, safety, private property rights, and the environment; and following such reconsideration (3) that the Commission declare its Conditional Approval of March 7, 2023 null and void. The Commission's Conditional Approval is unlawful, and too much is at stake to risk this project going forward at this time.

A reply to the above is requested from the Planning Commission Members to the person noted on the cover letter herewith.

Submitted By Concerned Citizens March 28, 2023

To: Planning Commission Members
Douglas C. Brackett, Secretary
Donna Turner Williams
Whit Kennedy, Jr., Chairman
James William Hamilton
James Les Green
Toby Mark McCall, Vice-Chairman
Lewis Allen Newman
Stewart Winslow
Francis Parker Champion

cc: Joan Holliday, Director, Planning & Development Dept.
Leigh McDonald, Planning Manager, Planning & Development Dept.
William A. McDaniel, Manager, Blue Sky Associates, LLC
Kimberli Burnett, Manager, Blue Sky Associates, LLC

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ATTACHMENTS

SECTION	DESCRIPTION OF ITEM
A-1	FINAL AGENCY DECISION OF DHEC BOARD - re Rescission of Septic Permit
A-2	EMAILS (2) FROM CONCERNED CITIZENS TO P & D - re omitted comfort station
A-2	EMAILS (2): FROM B. BLAKE, P & D, TO DEVELOPER - re Requirement of Comfort Station
A-3	COUNTY'S BLANK APPLICATION FORM: Differentiation between "Water OR Well"
A-3	DEVELOPER'S APPLICATION TO COUNTY: states a "well" as the water source and also states "ICW" (public water district) in contradiction as the water source
A-3	DEVELOPER'S APPLICATION TO DHEC FOR SEPTIC PERMIT - states "*public water*" as source
A-3	DHEC SEPTIC PERMIT – states "*any changes to system must be approved by DHEC*"
A-4	REPORT BY TERRA INCOGNITA – L.L. Gaddy- identifies federally-protected plant species
A-4	REPORT BY MOUNTAINS TO SEA ECOLOGICAL – identifies federally-protected plant species and characteristics of Goldmine Creek
B-1	EMAIL TO CHAIRMAN AND VICE CHAIRMAN: re Citizens requesting to speak at meeting
C-1	DEVELOPER'S TRAFFIC IMPACT ANALYSIS (TIA) (2 pages)
C-1	ROAD SAFETY AUDIT (Cover page)
F-1	INTERNAL COUNTY STAFF EMAIL – re "misrepresentations" on developer's 2021 Site Plans

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

From: **Russ Rock** <russrock78@gmail.com>
Date: Mon, May 1, 2023 at 7:01 AM
Subject: PC Meeting Minutes for March 7, 2023
To: Doug Brackett <dorothybrackett@att.net>
Cc: Toby McCall <tmccall@rdanderson.org>, Whit Kennedy <whitnerk@bellsouth.net>, Manning Lynch <mlynch@spartanburgcounty.org>, David Britt <dbritt@spartanburgcounty.org>, Jack Mabry <jmabry@spartanburgcounty.org>, Bob Walker <bobwalker2014@charter.net>, Cole Alverson <calverson@spartanburgcounty.org>, Earl Alexander <ealexander@spartanburgcounty.org>, Joan Holliday <jholliday@spartanburgcounty.org>, John Harris <jharris@spartanburgcounty.org>

DOUG BRACKET -- I am emailing you as you are the Planning Commission Secretary and as such responsible for meeting minutes. First and foremost, I thank you for your public service. I understand that you have 20+ years of solid service on the Commission and I truly respect that. The system cannot run without dedicated volunteers like yourself. THANKS!

As for the business of my email, several friends and neighbors reported to me that your published minutes for the regular monthly PC meeting of March 7, 2023 seemed lacking and perhaps inaccurate. I reviewed the minutes yesterday and am concerned. One small example that is very personal to me is the minutes report on page 20 that I "requested to speak." I did not request to speak as reported. I had not planned to speak and was not prepared to speak. I did speak later in the meeting, but that's an interesting story in and of itself.

I believe that this meeting was recorded in some fashion. I request that I be provided a copy of the original recording. Please consider this request to be in accordance with applicable Freedom of Information Act requirements. My contact info is below. If more info is needed, please call me.

Best Regards--

Russ Rock
russrock78@gmail.com
864-414-8119 (mobile)
This email is for the sole use of the intended recipient and may contain information that is confidential, privileged, and/or attorney work product. If you are not the intended recipient, please contact the sender and delete all copies. Any review, reliance, or distribution by others, or forwarding without express permission, is strictly prohibited.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

MacDonald, Leigh

From: Judie Klapholz [redacted]
Sent: Monday, March 6, 2023 10:46 AM
To: Holliday, Joan; MacDonald, Leigh
Subject: T Tree Farms ULMO 3.13 (4) Comfort Stations

Dear Ms Holliday and Ms MacDonald,

RE: T Tree Farms RV Park

Where are the required comfort stations in the developers application?
We see none in the site plans.
The developer told P & D that the "the office will have a bathroom and it might not be open for a year."
How does this comply with the ULMO 3.13 (4)?

Are you really ready to go forward to recommend conditional approval to the commission tomorrow?

Dozens of citizens plan to attend the meeting. Please reply by 3:00pm today whether or not you are moving forward with presenting this project to the Commission tomorrow with no apparent comfort station. When you asked the developer about this, she replied "there are sewer hookups to each RV." **These are not comfort stations.**

Thank you for a quick reply.

Judie Klapholz
[redacted]

Redaction Log

Reason	Page (# of occurrences)	Description
no reason	**1** (2)	---

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Planning and Development Project Form

☒ Water ☐ Sewer

☐ Minor ☐ Preliminary ☐ Final

☒ Site Plan ☐ Private Road Dev.

Subdivision Name & Ph/Sec: T. Tree Farms	**Date: 2/8/2023**
Tax Map #(s): 1-09-00-020.03	**Number of Lots: 49 RV**
Staff Contact: Leigh MacDonald	**Phone: 864-596-3570**
Email: [redacted]	**Fax: 864-596-3018**
Comments: RV Park project located on Landrum Mill Road. 49 campsites proposed.	

Water/Sewer Agency: ICW
Case Manager: Teresa Bennett
Signature: Teresa Bennett **Date:** 2/8/23
Comments: A water main extension is not planned for this development. The developer has informed the ICWD that the development would be served by wells.

PLEASE CHECK ALL APPROPRIATE BOXES:

Availability:

☐ Water is available. ☒ Water is NOT available.

☐ Sewer is available. ☐ Sewer is NOT available.

Final:

☐ Water is complete and ready for taps.

☐ Sewer is complete and ready for operation.

Water flow is adequate to supply fire coverage for this type of development.

☐ YES ☐ NO

Comments:

Redaction Log

Reason	Page (# of occurrences)	Description
no reason	**1** (1)	---

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

SPARTANBURG COUNTY – ONLINE APPLICATION – MAJOR LAND DEVELOPMENT

*Type of Current Activity

- [x] Vacant
- [ ] Residential
- [ ] Industrial
- [ ] Commercial
- [ ] Office
- [ ] Institutional

*Water or Well? Water

Water
Well
N/A

elected water above, list water provider.

*Septic or Sewer?

00930

COUNTY'S BLANK DEV. APPLICATION – DIFFERENTIATES "WATER OR WELL"

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Proposed Maintenance of New Road	Private

General Info

This Application is for	New Construction
Project Name	T. Tree Farms
Proposed Activity	Campground or RV Park
Type of Current Activity	Vacant Residential Industrial Commercial Office Institutional
Water or Well?	Well
If selected water above, list water provider.	ICW
Septic or Sewer?	Septic
If selected sewer above, list sewer provider.	
Number of Stories	0
Number of Units	49

DEVELOPER'S APPLICATION – DIFFERENTIATES "WATER OR WELL" AND STATED "ICW"

00931

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Traffic Impact Analysis Report

Landrum RV Park (T Tree Farms)

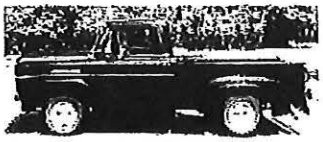
For: Ms. Kim Burnett

Prepared by:

Roger D. Dyar, P.E., P.A.
231 Tollison Road
Seneca, SC 29672
(864) 360-7921
dyartraffic@gmail.com

June 23, 2021





DyarTraffic

864-360-7921



Roger Dyar

Digitally signed by Roger Dyar
DN: cn=Roger Dyar, o=Roger D. Dyar, P.E, P.A., ou=Main, email=dyartraffic@gmail.com, c=US
Date: 2021.06.23 08:06:19 -04'00'

DEVELOPER'S TIA: 75,190 VEHICLES PER YEAR ADDED TO LANDRUM MILL RD.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Trip Generation

Trip generation was estimated using the ITE Trip Generation manual, 10th Edition, along with information from other studies done for similar developments in other states. The ITE land use code 416 for an RV park was used to determine the values for input into the equations for predicting trip generation. See the appendices for additional information on trip generation from other studies. The data from the noted reports as well as ITE data were combined to get the rates used in Table 2. Using the ITE manual and the referenced reports, the following table was derived for trip generation for the new project.

Table 2 Trip Generation Rates for Multi-family Residential ITE Code 416

Weekday (1)		AM Peak Hour		PM Peak Hour	
Total Daily Trips = 4.10 (X)		Total Trips= 0.29 (X)		Total Trips = 0.41 (X)	
In	Out	In	Out	In	Out
50%	50%	42%	58%	69%	31%

(1) Note: Units: X = Units = 50 total

sing the ITE Trip Generation manual we get the following predicted trips for the new evelopment.

Table 3 Predicted Trip Generation for the Spartanburg County RV Project

Subdivision	Units	Total Daily Trips			A.M. Peak Hour			P.M. Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
Landrum RV	50	206	103	103	14	6	8	21	14	7

↓

75,190 per year

DEVELOPER'S TIA: 75,190 VEHICLES PER YEAR ADDED TO LANDRUM MILL RD.

ELECTRONICALLY FILED - 2023 Jun 20 P4:13 - BUNCOMBE - COMMON PLEAS - CASE#2023CP420122



Goldmine Creek Water Quality Assessment

JULY 2021

Mountains-to-Sea Ecological

REPORT RE PRESENCE OF FEDERALLY-PROTECTED DWARF HEARTLEAF AND QUALITY OF GOLDMINE CREEK – 34 PAGES

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Goldmine Creek Water Quality Assessment

INTRODUCTION

At the request of The Enclave at Fairview Farm Home Owners Association (HOA) of Campobello SC, MTS Ecological performed a Water Quality Assessment of Goldmine Creek headwaters in June and July 2021 (See Map 1,p.2). The study area includes ~312 acres of the 360-acre Enclave HOA and ~2 miles (10,560 linear feet) of 3.5 miles of upper Goldmine Creek of the North Pacolet River.

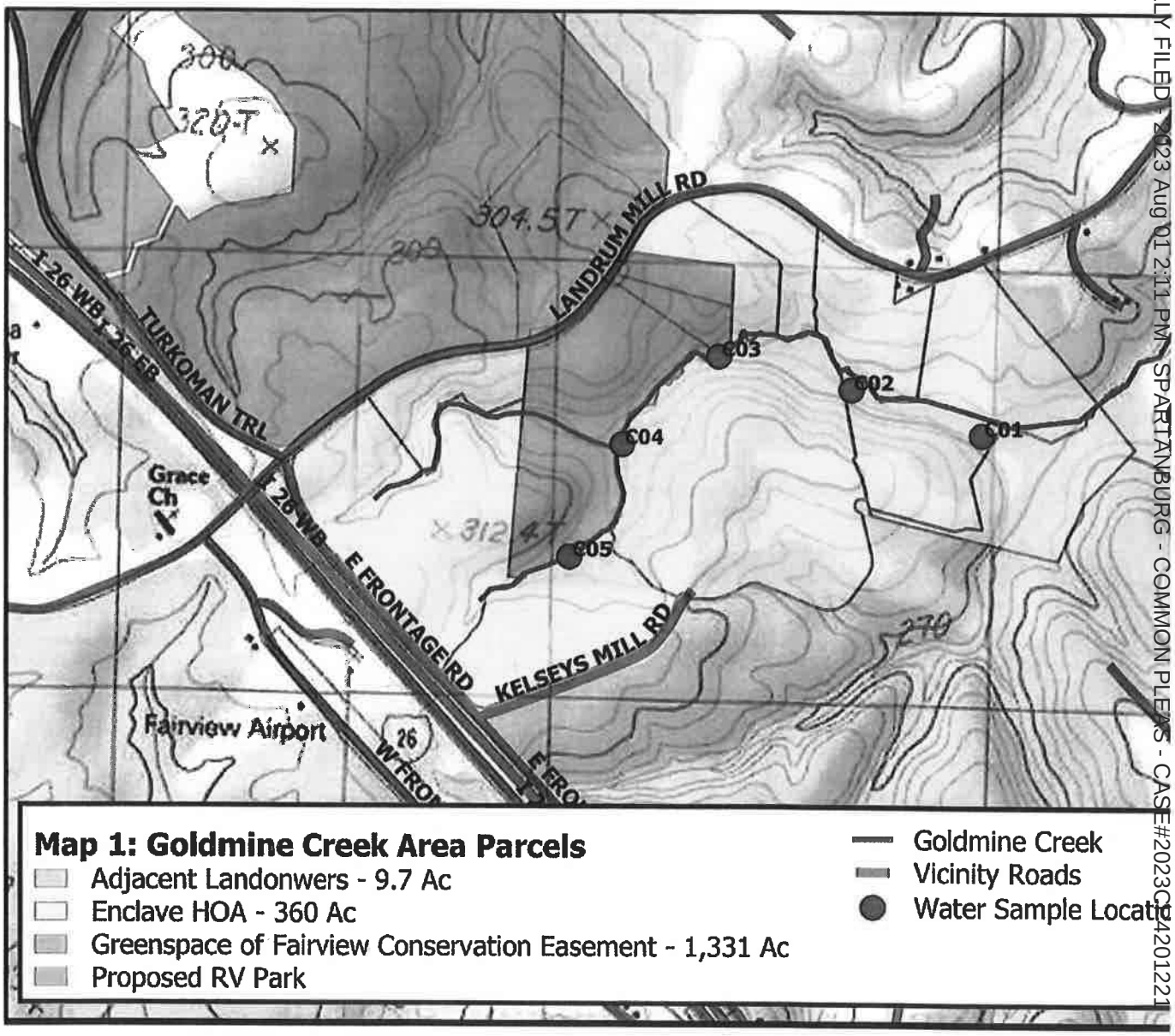
A 52-slip RV Park with 87 parking spaces is proposed bordering Goldmine Creek at its headwaters directly in the center of the HOA ownerships and directly abutting the southern boundary of the 1,331-acre GreenSpace of Fairview Conservation Easement Conservation Area. All streams and bordering wetlands of Goldmine Creek are "Wetlands of the United States" and regulated by the US Corps of Engineers Section 404 Clean Water Act and SC 401 wetland regulations.

Goldmine Creek is a first-order headwater tributary of the North Pacolet River, with headwaters located ¼ to ½ mile east of the SC Welcome Center and Fairview Airport between Landrum Mill Road and Kelseys Mill Roads east of I-26. The primary Goldmine channel drains approximately 2.5 miles east into the North Pacolet. A secondary tributary to Goldmine drains approximately one mile east, bisecting the proposed RV Park, joining the primary channel at the Klapholz property.

Though engineering plans and documentation for the proposed development appear to depict stream boundaries & setbacks, they do not document streams and bordering wetlands, water quality, stream health, embankment structure, or permanent affects the development would produce. The Water Quality Assessment provides this additional information.

The HOA wishes to prevent incompatible, intensive commercial development benefitting temporary RV residents that will permanently deliver trash, pollution, fertilizer, sediment and permanently destroy water quality and stream integrity of Goldmine Creek and the North Pacolet River. The HOA wishes to protect, maintain, and improve stream quality and integrity of Goldmine Ck and maintain existing low-density residential, farm, and compatible rural land uses.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

METHODOLOGY

Water quality assessments were performed on June 28 and July 25, 2021. Prior to field assessments, relevant information and data for the site was reviewed including engineering plans for the proposed RV Park, National Wetland Inventory (NWI) data, South Carolina Dept. of Health and Environmental Control (DHEC) Regulation 61-68, Water Classifications and Standards and Regulation 61-69, Classified Waters, and other relevant data sources. The assessment consisted of:

- Chemical and fecal coliform assessment via water samples – five on 1,000-foot intervals
- Biological assessment of in-stream aquatic communities (biota) at sample collection points
- Physical assessment of stream and embankment structure, riffle and pool complexes, sedimentation, and embankment collapse or undercut locations
- Classification of "natural communities" onsite such as alluvial forest and bordering wetlands
- Incidental documentation of ecological communities, bordering wetlands, and SC-listed rare species as they were located and observed
- Photographic documentation of existing stream conditions on 500-foot intervals including water sample and biological assessment locations and their midpoints

In July 2021, water samples were collected at five locations on approximately 1,000-foot intervals and submitted to the Environmental Quality Institute (Black Mountain, NC) for analysis following the methods of APHA (2012). Dissolved oxygen was measured at each sample collection site using a Extech DO600 Waterproof ExStik II Dissolved Oxygen Meter. Nutrient, water quality, and physical structure sampling and survey are a subset of methodology outlined by Scott, et al. (2009). Pollution and man-made chemical analysis was not performed within the study.

Biological assessment of stream biota was also performed at the three eastern-most collection points along the stream channel where cobble could be located. Sampling was not performed in the highest headwater locations with sand substrates as aquatic insects do not occur in these locations due to the substrate. Each collection point using kicknet, D-net and minnow traps in pools. Physical assessment was performed by walking the stream channel between sample collection and baseline condition documentation points. Ecological community classification and inventory was performed in June 2021 with supplemental observations in July 2021.

Natural communities were classified using the National Vegetation Classification (NVC) classification system developed by NatureServe - the repository for all state Natural Heritage Program natural community and rare species data in the US. NVC serves as the standard natural community classification system for the United States Forest Service (USFS), the US

National Park Service (NPS), Bureau of Land Management (BLM), and most US land management agencies.

Data and mapping for wetlands, streams, water sample, biological assessment, and permanent photo locations was collected in the field using handheld GPS and generated in Quantum GIS (QGIS). Acreage and linear footage calculations were calculated in QGIS.

SUMMARY OF FINDINGS

Overall, Goldmine Creek in the study area is an excellent quality wetland resource with many high-quality features and parameters including water quality, in-stream biotic community, stream structure, exceptionally mature and intact forest and bordering wetlands. It is easily among the best of its kind remaining in the area where the majority of headwater streams have been historically destroyed and ditched for agriculture and damaged in poorly planned development.

- The proposed RV park sits directly within the "Landrum and Campobello" Conservation Focus Areas (CFA) – one of only six CFA's in Spartanburg County identified by Upstate Forever (2010) Special Places Inventory (SPI)

- As a North Pacolet River tributary, Goldmine Creek is high-quality Freshwater (FW) system, as classified by DHEC, and should be recognized, protected, and managed to improve its existing quality condition

- Among 3.5 miles of North Pacolet River headwaters onsite streams are clean, harboring normal nutrient and physical parameters, a healthy aquatic-invertebrate community, cool temperatures, and exceptionally mature globally ranked rare globally "vulnerable" (G3) **Piedmont Headwater Stream Forest** and high-quality, globally "imperiled" (G2) **Piedmont Springhead Seep** wetland communities

- The terrain is moderately to gently sloped with high elevation of 1,015 feet at the western headwaters to low of 810 feet at the North Pacolet River confluence - a 205-foot total elevation change to the Pacolet River

- Two abandoned beaver ponds at the central stream confluence offer high quality naturally occurring early-successional habitat and greatly help filter and trap sediments and nutrients that might otherwise flow to the North Pacolet

- Remarkably, exotic-invasive plant species that degrade habitat are almost completely absent from the stream bottomland except for Japanese stiltgrass, and a few small kudzu and privet shrubs in the eastern region

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

I. Water Quality Classification and Standards Application

- The primary & secondary headwaters of Goldmine Creek in this assessment comprises 3.5 miles before confluence with the North Pacolet River
- Goldmine Creek is classified as a Freshwaters (FW), as a tributary of the North Pacolet River which is a formally classified Freshwater system
- Goldmine Creek is subject to DHEC Freshwater Quality Standards as outlined in Regulation 61-68 (2014), Water Classifications and Standards

II. Nutrients and Water Quality Parameters

- Water Quality is surprisingly excellent for the western Piedmont where most streams are of very poor or fair quality
- Nutrient and Water Quality parameters all within range of SC Freshwater Standards as described in Regulation 61-69 (2020) for all relevant parameters with only Orthophosphate being low
- Ammonia (NH3) and Nitrates (NO2/NO3) are very low which is excellent and atypical of most drainages in horse-country which are overloaded
- Orthophosphate (PO4) - the bioavailable form of phosphorus - is lower than the recommended 0.15 mg/L (or 0.05 mg/)) to prevent downstream eutrophication or nutrient overload
- Total suspended solids (TSS) are moderate and turbidity (water clarity) values for all sites are between general range of 10 NTU for trout streams and 50 NTU for aquatic life
- Dissolved Oxygen is surprisingly excellent, being well above 5mg/L required for fish to survive and above 9 mg/L for larger fish to survive
- Conductivity, Alkalinity, and pH are easily within range for a natural, forested stream in the western Piedmont with few stressors
- E.coli measurements are very low ranging from 35 to 61 Cfu/100ml

III. Biological Assessment

- Goldmine Creek scored a total biological index value of 24. Index value over 22 to be an indicator of "Excellent" water quality
- Water temperatures ranged from 68.6 F. (20.8 degrees C). to 68.8 F. (21 degrees C) which is excellent for peak-summer

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

- 103 macroinvertebrate individuals were collected at three sampling locations along Goldmine Creek (C1 to C3) most of which are pollution intolerant. Of those:

  - ➢ five types of macroinvertebrates (mayflies, stoneflies, caddisflies, water pennies and gilled snails) are considered sensitive bioindicators of stream health
  - ➢ Four macroinvertebrate types found considered somewhat, or less, sensitive: crayfish, craneflies, dragonflies and net-spinning caddisflies
  - ➢ Only one type of macroinvertebrate collected on Goldmine Creek is considered to be pollution-tolerant and only one individual -- a single annelid, or aquatic worm -- was found during our survey

- As a family, roach stoneflies (detected here) are present only in streams and rivers of good to excellent water quality

IV. Physical Stream Conditions

- The Goldmine Creek headwaters are in very good condition overall and represent the best of their kind in the region

- The upper primary channel rests fully within 28 acres of excellent ("A" quality) mature forest and bordering wetlands including the globally "vulnerable" (G3) Piedmont Headwater Stream Forest in which six globally "critically imperiled" (G2) Piedmont Springhead Seep wetland communities are embedded

- Over 110 natural stream oxbows and over 50 riffle-pool complexes occur throughout

- Embankment structure is good to very good and less than 20 exposed embankment zones were observed, many of which are of historical origin

- Three small ponds occur in the upper and central watershed. These serve to catch and store sediments; however they may also heat up and discharge water at higher temperatures in mid-summer which may deplete in-stream oxygen below the pond

- Non-point stormwater velocity and sedimentation is likely exacerbated by runoff from I-26, Frontage Rd, Landrum Mill and Kelseys Mill Roads and adjacent mowed lawns at the top of the western watershed

- Headwater ravines of the primary channel harbor steep, 15 to 20-foot height embankments which have been eroded due to historical forest canopy removal. Though forested and slowly restoring, they appear to be the primary sediment input

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

DISCUSSION

I. WATER QUALITY CLASSIFICATION AND STANDARDS APPLICATION

All South Carolina streams are classified according to their water quality. Goldmine Creek is classified as a "Freshwaters" (FW) in the state of South Carolina.

In Regulation 61-69, Classified Waters, Goldmine Creek is not formally listed, however it carries the Freshwaters classification of the formally classified North Pacolet River that it supplies. FW classified waters are those utilized for secondary recreation or which may serve as drinking supplies if treated.

Freshwaters (FW) are non-saline freshwaters suitable for primary and secondary contact recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses. Quality Standards for Freshwaters are defined by DHEC Regulation 61-68 (See https://scdhec.gov/sites/default/files/media/document/R.61-68_0.pdf)

As a Freshwater stream, Goldmine Creek is subject to DHEC Freshwater Quality Standards as outlined in Regulation 61-68, Water Classifications and Standards.

II. NUTRIENT AND WATER QUALITY PARAMETERS

Water samples were collected in July 2021 to document existing conditions of primary in-stream nutrient and water quality measurements, and to alert the HOA of any potential issues that may arise from HOA or other adjacent ownership inputs. In order to establish trends, sampling would need to occur on a routine basis, however the following parameters and results provide a snapshot of stream water quality.

II.A Nutrient and Water Quality Results

Sampled nutrient and water quality parameters are listed below with water sample data from five sample sites listed in Table 1 below:

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Table 1: Water Sample Nutrient and Chemical Findings, Enclave HOA, 2021

Site #	NH3	NO2/ NO3	PO4	E. Coli	Turb	TSS	D.O.	Cond	Alk	pH
	mg/L	mg/L	mg/L (PO4)	*Cfu/ 100ml*	*NTU*	*mg/ L*	*mg/ L*	*umhos/ cm*	*mg/L*	
1	0.11	0.0	0.07	61	26.0	15.6	9.3	38.8	18.0	6.7
2	0.11	0.0	0.05	47	37.0	21.6	9.2	38.4	18.0	6.7
3	0.13	0.1	0.07	36	17.0	7.2	9.1	44.9	22.0	6.7
4	0.13	0.1	0.07	35	18.0	9.2	9.1	33.0	20.0	6.6
5	0.11	0.3	0.04	51	15.0	7.6	9.1	34.1	16.0	6.6

Ammonia (NH3) measurements are normal, and close to the regional average for the western Piedmont. NH3 is the principal form of toxic ammonia. NH3 is toxic to freshwater organisms at concentrations between 0.53 to 22.8 mg/L. Toxic NH3 is both pH and temperature dependent: toxicity increases as pH and temperature decrease. Plants are more NH3 tolerant than wildlife, and aquatic invertebrates have greater tolerance than fish. In toxic conditions, hatching and growth rates of fish may be affected as well as structural development such as flaws in gills, liver, and kidneys tissues.

Nitrites (NO2) and Nitrates (NO3) - Measure of the Nitrogen present as Nitrite and Nitrate. NO2 and NO3 are very low in Goldmine Creek which is excellent and atypical of most drainages in horse-country which are overloaded. As part of the nitrogen cycle, bacteria first convert Ammonia to Nitrite (NO20 before other bacteria convert Nitrite to Nitrate. Nitrite in elevated levels is toxic to aquatic organisms and usually indicate contamination from fertilizer run-off.

Bacteria convert Ammonia to Nitrite (NO2) and then Nitrite to Nitrate (NO#) as part of the natural nitrogen cycle. Nitrate becomes toxic to most aquatic life at extremely elevated levels (>10 mg/L – far higher levels than found in Goldmine Creek). NO3 is also a necessary nutrient for plant and algae growth, but high nitrate levels in water are an indicator of fertilizer run-off contamination from adjacent lands or from elevated levels of waste water. They are almost always associated with algal blooms, excess plant growth and oxygen depletion (which kills aquatic life).

Orthophosphate (PO4) - the bioavailable form of phosphorus, used by plants and algae for growth - is well below recommended base levels of 0.15 mg/L (or 0.05 mg/L P only) which is excellent and also unexpected in horse country.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

E. Coli – measurements fell far below measurable "safe" CFU's (colony forming units) in all samples. Acceptable levels of E. coli commonly include both a 30 day mean (126 cfu/ 100mL) and a single-sample number (235 cfu/100mL – 575 cfu/100mL). Thus samples ranging between 36 and 61 cfu/100mL are well below the safe threshold.

Turbidity – Turbidity, a measure of water clarity, is measured in Nephelometric Turbidity Units (NTU's). Low NTUs signify relatively clear water during or after rain events while higher numbers represent less water clarity and higher levels of suspended solids. NTU levels of ten or lower are characteristic of relatively clean, clear water with low sedimentation.

Total suspended solids (TSS) – similar to Turbidity but a slightly more accurate measurement, TSS measures the actual dry-weight of solids larger than 2 microns within a 1-liter sample rather than light penetration through water (turbidity). Thus, sites ranged from a low of 7.2 and 7.6mg/L at site #3 and #5 to a high of 21.6 at site #2. Site #2 probably contained higher TSS because of proximity to mowed meadows and input from this area. The state has no TSS standards however.

Dissolved Oxygen is excellent, ranging from 9.1 to 9.3, being well above 5mg/L required for fish to survive and above 9 mg/L for larger fish to survive (though none likely exist in the headwaters).

Conductivity, Alkalinity, and pH are easily within range for a natural, forested stream in the western Piedmont with few stressors.

II.B SC Freshwater Standards and Goldmine Creek Nutrients and Water Quality Findings

The following section highlights primary SC Freshwater Standards with findings from Goldmine Creek, per Regulation 61-68 (p.29).

Table 2: Freshwater Standards and Existing Goldmine Creek Conditions, Enclave HOA, July 2021

ITEMS	SC STANDARDS	GOLDMINE CREEK EXISTING CONDITIONS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed	***None detected***
b. Treated wastes, toxic wastes, deleterious substances, colored or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this	***None detected***
c. Toxic pollutants listed in the appendix	As prescribed in Section E of this regulation	***Sampling beyond scope of this assessment***
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules	***None detected***
e. Dissolved oxygen	Daily average not less than 5.0 mg/l with a low of 4.0 mg/1	***9.3 and 9.2 (sites 1 and 2); 9.1 at sites 3-5; avg of 9.16***
f. E. coli	Not to exceed a geometric mean of 126/100 ml based on at least four samples collected from a given sampling site over a 30-day period, nor shall a single sample maximum exceed 349/100 ml	***61, 47, 36, 35, and 51 from C1-C5, respectively***
g. pH.	Between 6.0 and 8.5.	***pH 6.7 at 3 sites and 6.6 at 2 sites***
h. Temperature	The water temperature of all Freshwaters which are free flowing shall not be increased more than 5 degrees (F) above natural temperature conditions and shall not exceed a maximum of 90 deg (F)	***69.6 deg. – Sites 1-3; 69.8 – Sites 4-5; avg of 69.56 deg.***
i. Turbidity	Not to exceed 50 NTUs provided existing uses are maintained	***Turbidity NTUs = 15, 17, 18, 26 and 37; avg of 22.6***

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

III. BIOLOGICAL ASSESSMENT

Summary - Using the Izaak Walton League's formula for calculating biotic values (see attached), which weights sensitive species over pollution-tolerant ones, Goldmine Creek scored a total index value of 24. The IWL (2020) considers any index value over 22 to be an indicator of "Excellent" water quality.



Figure 1: Stream Invertebrate Sampling on Goldmine Creek, July 2021

Biological Assessment includes review of the presence and numbers of stream "macroinvertebrates" or insects, crayfish, salamanders and other life forms (i.e. "biota") at suitable sample points. Three representative sample points – C1, C2, and C3 - having rock substrates where insects and their predators may thrive were sample and results were surprising for western Piedmont streams which are typically badly damaged. Biological monitoring of streams using benthic macroinvertebrates is a well-established technique that assesses the condition of water bodies using aquatic insects as bioindicators, or "canaries in the coal mine." (Voshell, 2002)

Water temperature ranged from 68.6 F. (20.8 degrees C). to 68.8 F. (21 degrees C) – easily lower than expected for late July in the western Piedmont where streams can range from mid-70 to lower 80 degrees on summer days. On the sampling date, the water was moderately stained from a thunderstorm the evening before. Visibility was less than a 12-inches in deeper holes early in the day and clearing within a couple of hours.

The stream channel of Goldmine Creek is normal to moderately incised in places, while areas lacking vegetation (naturally or by removal) show signs of bank widening from natural tree-falls, floods, and historical canopy clearing for agriculture and more recent "flashiness" from storm events have caused some of this damage. One of the three sample-sites (C1) was within 75 feet of a horse pasture and adjacent mown grassy areas north of the eastern creek channel, which sheds water far more rapidly forested or mature meadow zones. Two of the sample-sites (C2 and C3) were in deep forest conditions.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Results – In total, we collected 104 macroinvertebrates at three sampling locations along Goldmine Creek including 26 individuals at Sites #1 and 2 and 52 individuals at Site #3.

Of those, five types of macroinvertebrates (mayflies, stoneflies, caddisflies, water pennies and gilled snails) are considered sensitive bioindicators of stream health by the Izaak Walton League and most water quality agencies.

Four types we found are considered somewhat, or less, sensitive to pollution: crayfish, craneflies, dragonflies and net-spinning caddisflies. Only one type of macroinvertebrate collected on Goldmine Creek is considered to be pollution-tolerant and only one individual -- a single annelid, or aquatic worm -- was found during our survey.

In addition to the macroinvertebrate fauna, several vertebrates were found in the course of seining. A single creek chub (*Semotilus atromaculatus*) was picked up in a kick net at Site 2. A minnow trap dropped just above a small pond in the headwaters netted 11 bluehead chubs (*Nocomis leptocephalus*.) Both of these species are tolerant of a wide range of environmental conditions (Tracy, 2020).

Additionally, our survey collected four adults and six larval (gilled) salamanders, all appearing to be Two-Lined Salamanders (*Eurycea cirrigera*). Goldmine Creek harbors a rich stream invertebrate fauna with some very pollution-intolerant genera. As a family, roach stoneflies "will be present only in streams and rivers of good to excellent water quality," according to Steven R. Beaty of NCDEQ's Biological Assessment Branch.

Table 3. Aquatic Invertebrates Collected in Goldmine Creek. Enclave HOA, July 2021.

Invertebrate type	Site 1	Site 2	Site 3	subtotal
Water Temperature	68.6	68.6	68.8	
Tipulidae - cranefly larva	7	5	9	21
Cambarus - crayfish	1	3	8	12
Eurycea – two-lined salamander	3	3	4	10
Ophiogomphus - dragonflies	3	7	2	12
Hydropsyche - caddis larva	4	4	6	14
Maccaffertium sp. - mayflies	0	3	6	9
Stenacron sp. - mayflies	2	0	0	2

Perlesta sp. - stoneflies	3	1	7	11
Tallaperla sp. – roach stoneflies	0	8	0	8
Isoperla sp. – stoneflies	0	1	0	1
Lymnaeid – gilled snails	2	2	6	10
Chimarra – caddisfly larva	0	0	1	1
Annelida - annelid worm	1	0	0	1
Psephenidae - Water penny	0	0	1	1
TOTAL	**26**	**26**	**52**	**104**

IV. PHYSICAL STREAM CONDITIONS

Overview: The Goldmine Creek headwaters are in very good condition overall and they represent the best of their kind in the region in terms of water quality, stream invertebrate biota, and structure. That E.coli is currently found in low number is remarkable – a condition that will not possibly continue with an RV Park at the headwaters.



Figure 2: Typical high-quality Goldmine Creek embankments

Stream Physical Structure - Goldmine Creek contains 2 abandoned beaver ponds, six "imperiled" seep locations, an astonishing 110 natural stream oxbows and 50+ riffle-pool and plunge-pool complexes, and extensive woody debris which indicate complex and high-quality streams.

Embankments - Embankment structure is mostly very good to good with less than 20 exposed embankment exposures observed. Aside from 75-80% sloped ravines at the western headwaters, which are naturally eroding, most embankment exposures along Goldmine Creek are caused by natural treefalls where flooding has scoured

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

embankments downstream of the root zone, except in the lower eastern zone where potential historical channel straightening may have artificially caused recent collapsed zones.

Substrate – Streambed substrate consists of approximately 75% sand with approximately 25% small-to-medium-sized gravel from ½ inch to 6 to 10-inch block-shaped diameters.

Erosion - Headwater ravines of the primary southwestern channel contain steep, 15 to 20-foot height embankments at extreme slopes (75-80%) which are highly eroded due to natural, sandy soils and likely exacerbated by historical forest canopy removal (Photo Doc images #10-1 and 10-2). Though forested and slowly restoring, these banks are the primary in-stream sediment input to Goldmine Creek. Other embankment undercut or erosion zones are minor compared to this zone. Several forested, upland ravines deliver sediment to the stream. Given their steep, wooded condition and natural sandy soil types, sediments here are possibly exacerbated by increased velocity above them from lawn or structural areas.

Pollution - Non-point stormwater velocity and sedimentation is exacerbated by runoff from I-26, Frontage Rd, Landrum Mill and Kelsey Mill Roads and adjacent mowed lawns at the top of the western watershed.

V. ECOLOGICAL CONDITIONS

The Enclave HOA and Greenspace of Fairview Conservation Block – an approximate 1,643+ acre zone – consists of numerous documented high-quality features such as mature forest, wetlands, rare plant species, high quality wildlife and extensive streams.

While this study does not assess these resources on the proposed RV park, it does include a summary of information from GreenSpace and HOA lands, which completely surround the proposed park.

Upstate Forever "Conservation Focus Area" (CFA) – in 2010, Upstate Forever, the largest conservation organization in the SC Upstate, published a Special Places Inventory (SPI) designed to "document the remaining historical and natural assets before making decisions that could negatively impact those resources permanently." The SPI analysis is based on data developed over decades by The Nature Conservancy (TNC) – the leading conservation organization in the world.

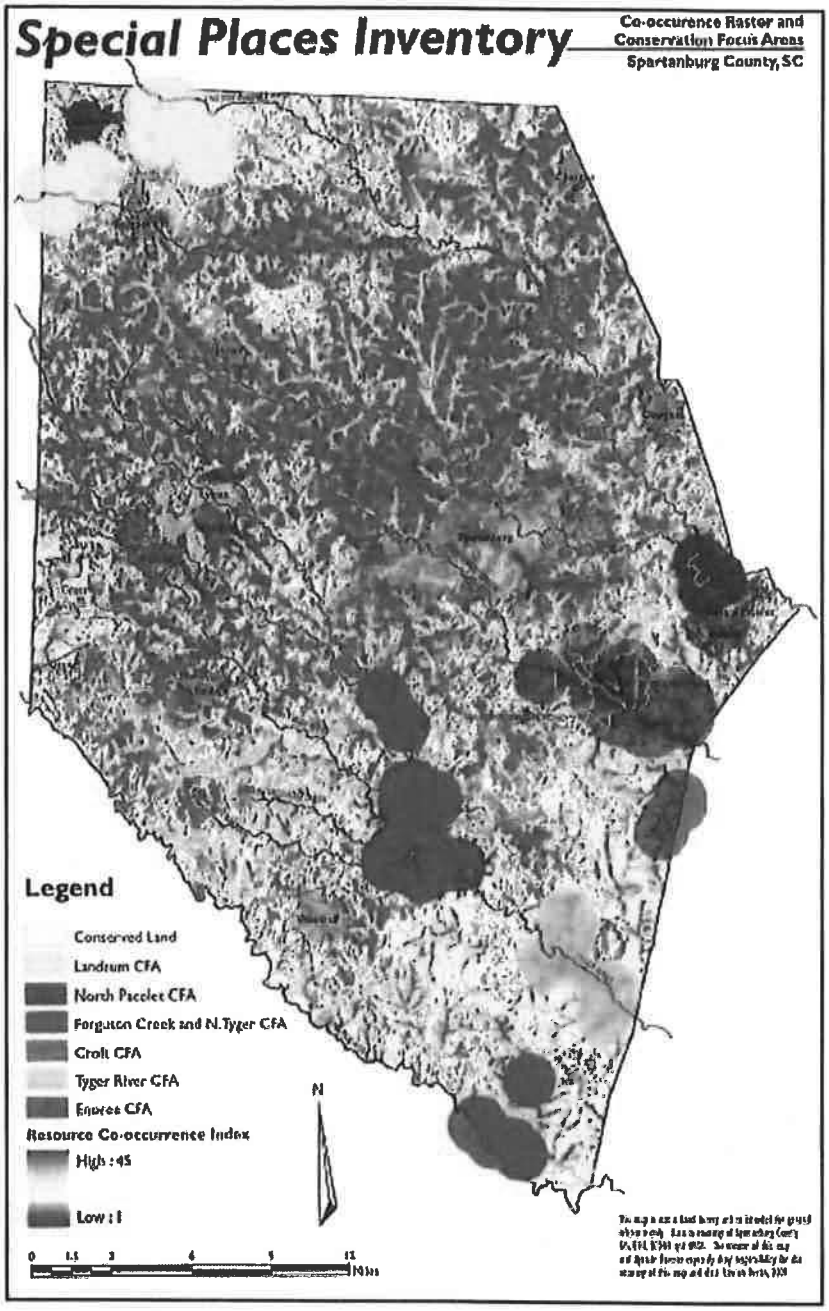
The proposed RV park sits directly within the one of these key areas - the "Landrum and Campobello" Conservation Focus Area (CFA) - one of only six critical Special Areas identified by Upstate Forever in all of Spartanburg County (image above, 2010). These six CFA's include the final remaining, undeveloped natural and cultural heritage areas and key conservation target regions in the County.

Figure 3: Upstate Forever CFA's in Spartanburg County, SC

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

CFAs are identified by Upstate Forever *specifically* to help alert city and county planners and citizens of key ecological and historical heritage resources to the resources *that have already been lost* in order to protect these remaining Special Places in the future. Upstate Forever states:

> *"If we do not protect the remaining Special Places, we will lose them permanently. We will lose their ecosystem services, their wildlife, their history – indeed, we will lose the very elements that made Spartanburg County special then and will continue to make our home special in the future"* (2010, p3).



High-Quality and Rare Natural Communities

Ecological inventories performed by Gaddy, et al (2000) and MTS Ecological (2021) reveal significant biological richness in the GreenSpace of Fairview property and Enclave HOA, which have been mostly extirpated from the greater region since colonization and eradicated from cultural memory for the majority of residents. This includes 10 federal and state listed rare plant species, rare Headwater Stream Forest and Piedmont Springhead Seep natural communities, and extensive wetland resources and streams. Only some of these resources are formally protected within the GreenSpace properties as formal Conservation Easement and the Enclave HOA, and similar resources probably exist on the proposed RV park itself.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

All of Goldmine Creek in the HOA is contained within 28 acres of globally "rare" floodplain habitats (aka "natural communities") including a mature, globally "vulnerable" (G3) **Piedmont Headwater Stream Forest**. and six "critically imperiled" **Piedmont Springhead Seep** (G1) wetlands. The proposed RV park directly abuts these critical habitats. These are classified as rare "natural communities" or distinct and permanent plant alliances by NatureServe – the national consortium of all US Natural Heritage Programs and the global and international clearinghouse for all conservation data regarding plant and wildlife species and natural communities.

G2 – "Imperiled" — At very high risk of extinction or elimination due to very restricted range, very few populations or occurrences, very steep declines, very severe threats, or other factors.

G3 – "Vulnerable" At moderate risk of extinction or elimination due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.

The global (or national) conservation ranking system ("G") ranges on a scale 1 to 5. Ranks of 1-3 the rarest while ranks of 4-5 are "secure", respectively. Ranks of 1-3 are of the highest conservation value for protection and restoration for government agencies and conservation organizations. Though South Carolina Natural Heritage Trust (SCNHT) is currently in process of developing natural community classifications and cross-referencing these with NatureServe classifications, NHT and DHEC do not formally protect rare or high-quality natural habitats or rare species by law except for federally listed species for projects that acquire federal funding.

Habitat Descriptions

Wetland cover types consist of open water (ponds), Piedmont Springhead Seeps, and all streams. Piedmont Headwater Stream Forest is a semi-wetland habitat, consisting of both upland and wetland-dependent plant species ("obligate" [OBL] and "facultative" [FACW}) with Seeps embedded.

Piedmont Springhead Seep (G2)
NatureServe Code: CEGL007041

Six locations of this globally "imperiled" wetland community are dotted along Goldmine Creek, the majority of which are downstream of the proposed RV park and thus subject to severe damage and extirpation from the RV Park, if approved.



Figure 4: globally "imperiled" Springhead Seep community along Goldmine Creek

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

As a "small patch" community (<1 acres in size) seeps are rare communities that typically occur through the region, the vast majority of them have long lost to ditching, agriculture, historical damage rendering them extirpated and/or unrecognizable. Thus, having high quality, intact seeps with native vegetation and structure dominant are extremely rare, six of them even more so.

Large diameter trees are rooted around seeps and occur as saplings but they never grow large within them due to mucky soils which cause large trees to topple easily. Sphagnum moss (which forms peat) is common. The shrub layer contains a few stems of Black Alder (*Alnus serrulata*), Wild Raisin (*Viburnum nudum),* Black Chokecherry *(Aronia arbutifolia),* and Yellowroot (*Xanthorhiza simplicissima).*

The herb layer is dense and lush with herbs, sedges and grasses including Fowl Mannagrass (*Glyceria striata),* and numerous sedges (*Carex debilis, C. crinita, C. lurida, C. atlantica*), Jewelweed (*Impatiens capensis),* Virginia Bugleweed (*Lycopus virginicus),* False Nettle (*Boehmeria cylindrica),* Cardinal Flower (*Lobelia cardinalis),* Royal Fern (*Osmundastrum regalis)* and Cinnamon Fern (*O. cinnamomea),* Jack-in-the-Pulpit (*Arisaema triphyllum),* Chainfern (*Woodwardia areolata),* Virginia Wild-Rice (*Leersia virginica),* and White Turtlehead (*Chelone* glabra).



Piedmont Headwater Stream Forest (G3)

NatureServe Code: CEGL004900

Approximately 28 acres of this exceptionally mature, high-quality forest dominates the flattest, low elevation bottomlands buffering Goldmine Creek. Here, shallow water table depth combined with elevated "hummocks" provide both wetland and upland habitat for a wide variety of wetland and upland species. Typical trees are Sweet-Gum (*Liquidambar styraciflua*), White Oak (*Quercus alba),* Northern Red Oak (*Quercus rubra),* Green Ash (*Fraxinus pensylvanica),* Red Maple (*Acer rubrum),* Umbrella Magnolia (*Magnolia tripetela)* and American Beech (*Fagus grandifolia*) above an understory of American Holly (*Ilex opaca),* Ironwood (*Carpinus caroliniana),* Sourwood (*Oxydendrum arboreum),* and Dogwood (*Cornus florida).*

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

The shrub zone is equally as variable, harboring numerous wetland and upland shrubs like Highbush Blueberry (*Vaccinium fuscatum),* Spicebush (*Lindera benzoin),* Yellowroot (*Xanthorhiza simplicissima), Doghobble (Leucothoe axillaris),* Witch-Hazel (*Hamamelis virginiana),* Black Alder (*Alnus serrulata),* Wild Raisin (*Viburnum nudum),* and Mountain Laurel (*Kalmia latifolia).* The state "critically imperiled" (S1) Ashy Hydrangea (*H. cinerea)* occurs throughout bluffs south of Goldmine Creek. (See VI. Photographic Documentation for photograph).

Herbs dominating in patches and colonies include sometimes huge colonies of Rivercane (*Arundinaria gigantea),* Christmas Fern (*Polystichum acrostichoides),* Lady Fern (*Athyrium filix-femina ssp. asplenioides),* New York Fern (*Thelypteris noveboracensis),* numerous sedge species (*Carex* spp.), Wood Oats (*Chasmanthium laxum), Leersia virginica,* Cinnamon Fern (*Osmunda cinnamomea),* and Royal Fern (*O. regalis).* Most notably – this habitat is almost entirely free from exotic-invasive (EI) species invasion that dominates most headwater stream forests regionwide. A few stems of privet, kudzu, and multiflora rose were detected, but in such low levels that removal could likely be performed in one or two field dates.

Several hundred clumps of the federally Threatened (T) and state "vulnerable" (S3) Dwarf-flowered Heartleaf (*Hexastylis naniflora)* occur throughout this forest type and adjacent embankments on both sides of Goldmine Creek. South Carolina comprises the smallest, southern-most portion of its US range, as the species occurs only in Spartanburg, Greenville, and Cherokee Counties (See VI. Photographic Documentation for photograph).

Beaver Impoundments

Two locations of this now-abandoned beaver-developed wetland occur onsite in the central-to-upper Goldmine Creek adjacent to the proposed RV Park and Klapholz property. The impoundment zones are a complex, high-quality mixture of standing dead trees (a key missing component of most natural area today) and a mosaic of boggy and upland zones determined by drainage patterns after abandonment. This is easily the highest quality natural "early successional" or full-sun, non-forested habitat onsite.



Figure 6: abandoned Beaver Impoundment, central Goldmine Creek

Typical herbs are Cattail (*Typha latifolia)*, Needle-rush (*Juncus effusus)*, bulrush (*Scirpus cyperinus)*, American Bur-reed (*Sparganium americanum)*, Jewelweed (*Impatiens capensis)*, Virginia Wild Rice (*Leersia oryzoides)* and numerous Sedges *(Carex crinita, C. stipata, C. crinita, C. scabrata, C. lupulina*), Lizard's Tail (*Saururus cernuus)*, *Carex lupulina*, False Nettle (*Boehmeria cylindrica)*, Three-way Grass (*Dulichium arundinaceum),* Virginia Bugleweed (*Lycopus virginicus,* Beggars-Ticks (*Bidens discoides*, B. *laevis),* Fowl Mannagrass (*Glyceria striata),* Bog St.Johnswort (*Hypericum mutilum)*, sensitive Fern (*Onoclea sensibilis)*, Cardinal Flower (*Lobelia cardinalis)*, Clearweed (*Pilea pumila)* and Cinnamon Fern (*Osmundastrum cinnamomea).*

Open Water/ Ponds

Three ponds (2.6 acres) occur in the HOA adjacent to Goldmine Creek, though these were not the subject of the water quality assessment and were not inventoried for vegetation or wildlife. These fabricated, still-water systems may still affect stream integrity and health in several ways:

1) collect and store freshwater that helps charge groundwater and regulate stream-flows

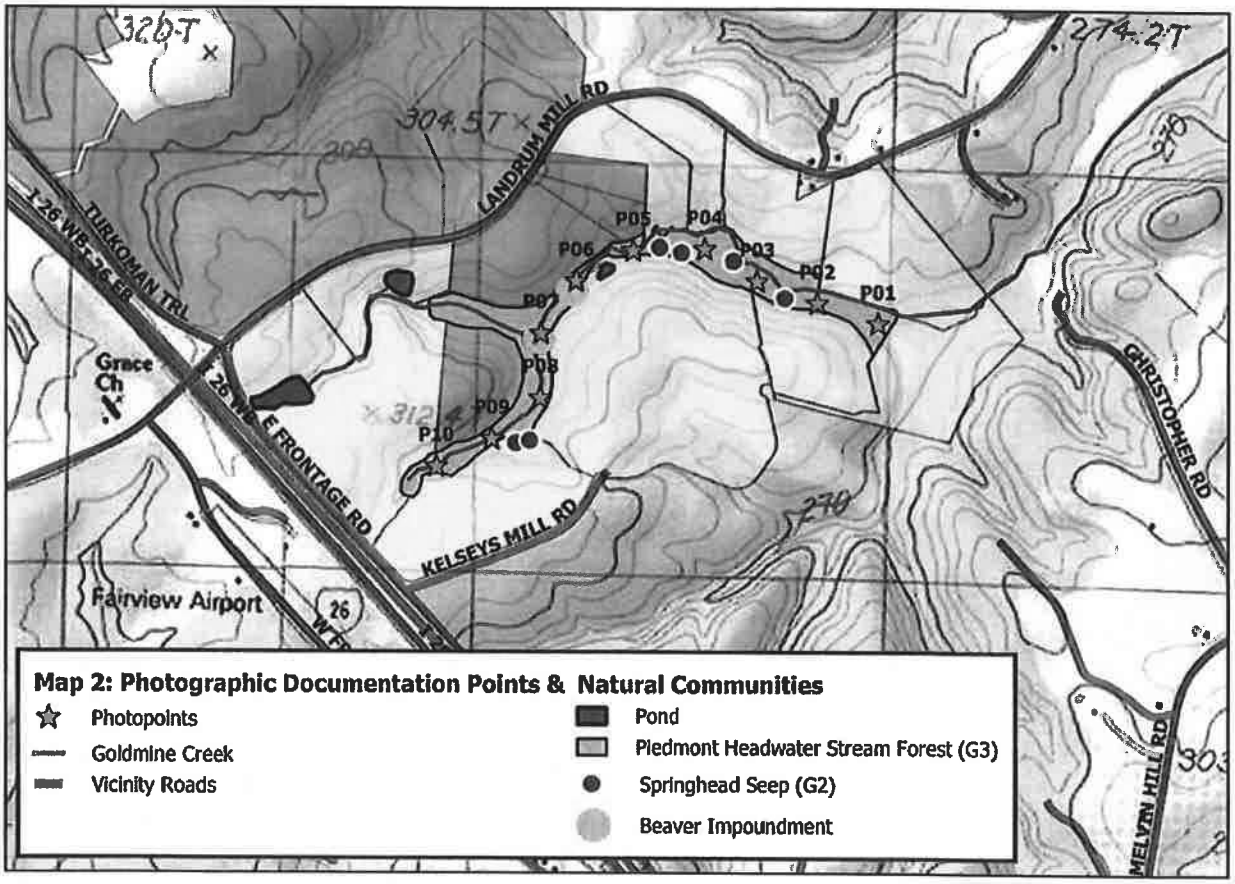
2) collect and store sediments and chemical discharges (especially those from I-26) that may otherwise enter the stream.

3) offer flatwater and non-moving water sources for a variety of wildlife that would otherwise not occur in the immediate vicinity such as waterfowl and other birds, reptiles, amphibians, small mammals such as bats, and high numbers of insects.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

VI. PHOTOGRAPHIC DOCUMENTATION

A "baseline" photographic documentation at 10 locations on approximate 500-foot intervals, plus rare plant photographs, was performed to document Goldmine Creek existing conditions prior to potential RV Park development (Figure 2). While it is hoped that structural ecological integrity of Goldmine Creek will not be impacted if the RV Park is approved, the likelihood of permanent damage from heavy stormwater, chemical, fertilizer, sewage, sediment, and trash outputs as is inevitable – and measurable. Recent flash flooding (July 18, 2021) caused some tree and embankment damage. Photos are taken from down to upstream from 01 to 10 and are shown in order of up and downstream.



ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



Photo #1: view of the state "critically imperiled" (S1) Ashy Hydrangea (*Hydrangea cinerea*) *with diagnostic "ashy" under-leaf surface*

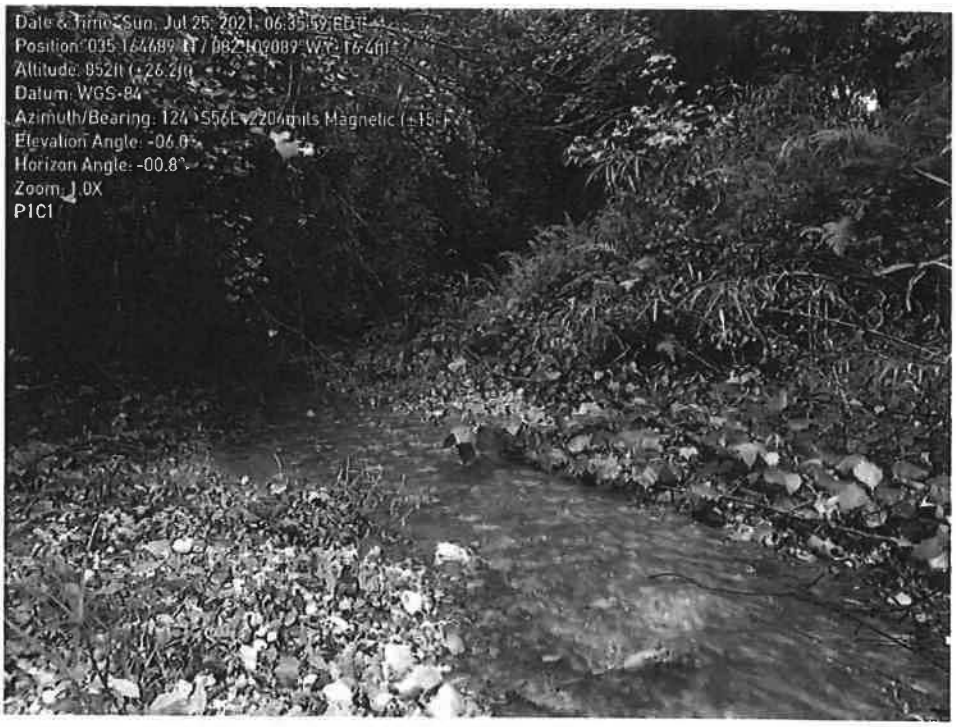


Photo #2: view of the federally Threatened and state "vulnerable" (S3) Dwarf-flowered Heartleaf (*Hexastylis naniflora*)

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



Photopoint 1, Photo 1: view upstream of typical stream and embankment conditions. Width range 4 to 7 feet



Photopoint 1, Photo 2: view downstream, typical stream and embankment conditions. Width range 4 to 7 feet

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



Photopoint 2, Photo 1: view upstream of typical stream and embankment conditions. Width range 3 to 8 feet in stream oxbow



Photopoint 2, Photo 2: view downstream, of typical stream and embankment conditions. Width range 3 to 8 feet in stream oxbow

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



Photopoint 3, Photo 1: view upstream of typical stream and embankment conditions in dense mountain laurel covered banks. Stream width range 3 to 6 feet



Photopoint 3, Photo 2: view downstream, of typical stream and embankment conditions with newly fallen woody debris

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

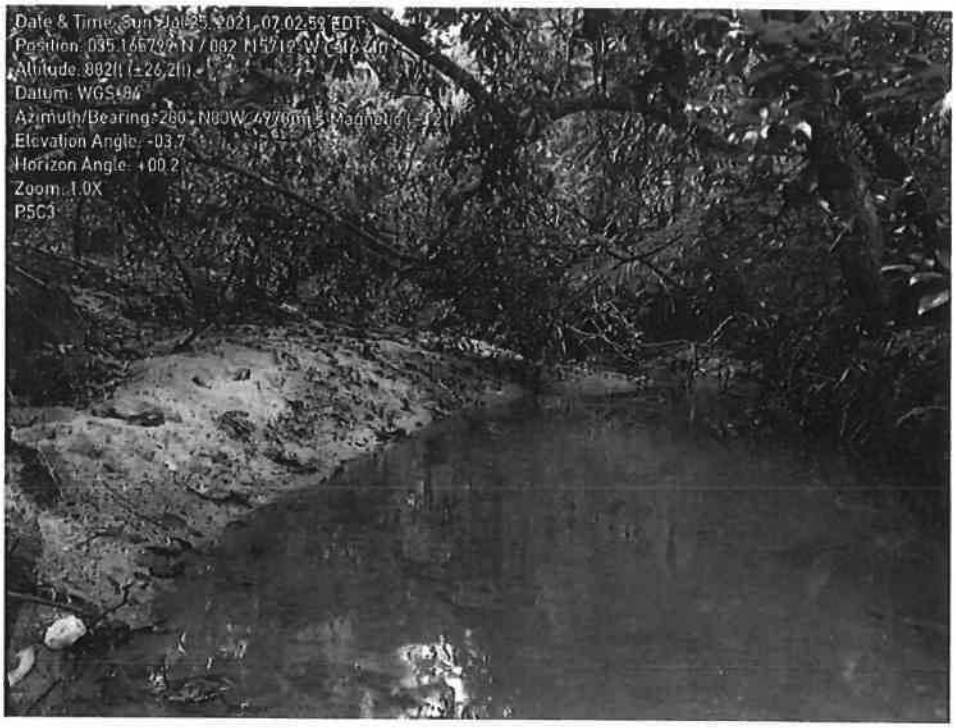


Photopoint 4, Photo 1: view upstream of "ideal" stream, riffle-pool, and embankment conditions in Headwater Stream Forest. Stream width range 4-5 feet



Photopoint 4, Photo 2: view downstream, of typical stream, cobble, and embankment conditions

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



Photopoint 5, Photo 1: view upstream of in a natural slough / pool zone under dense mountain laurel shrub cover. Stream widths range from 6-8 feet



Photopoint 5, Photo 2: view downstream of in a natural slough / pool zone under dense mountain laurel shrub cover

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

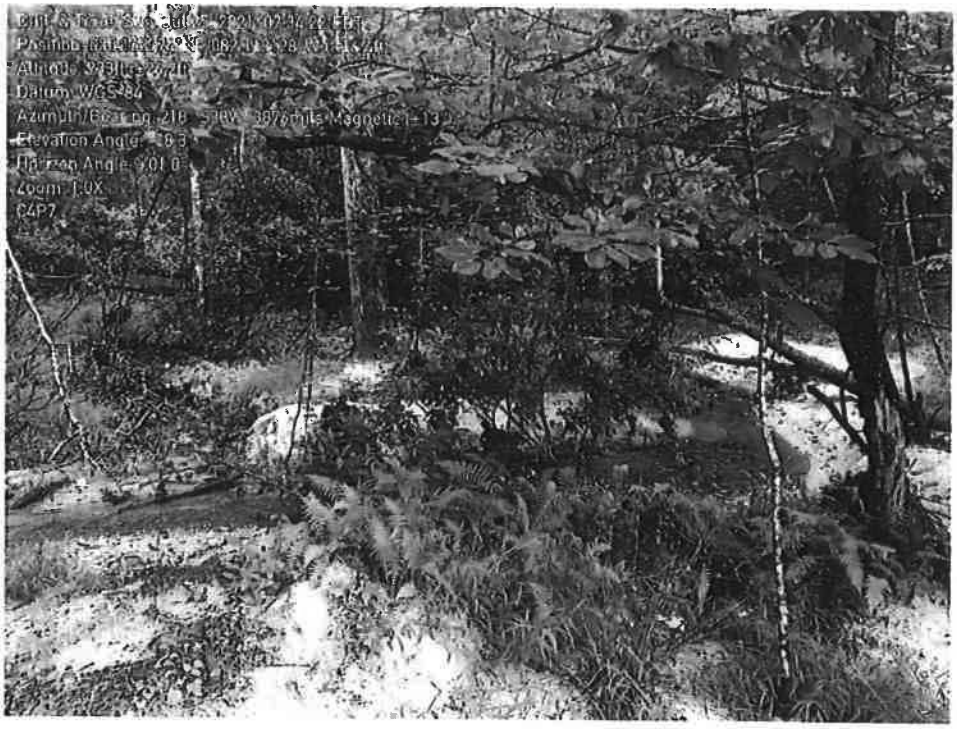


Photopoint 6, Photo 1: view upstream with cobble, rivercane, alluvial bench, and forested conditions. Stream width range 3-4 feet



Photopoint 6, Photo 2: view downstream of oxbow deposit with newly fallen woody debris

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



Photopoint 7, Photo 1: view upstream of Piedmont Springhead Seep and sandy flood deposits in Headwater Stream Forest. Stream width range 2-3 feet

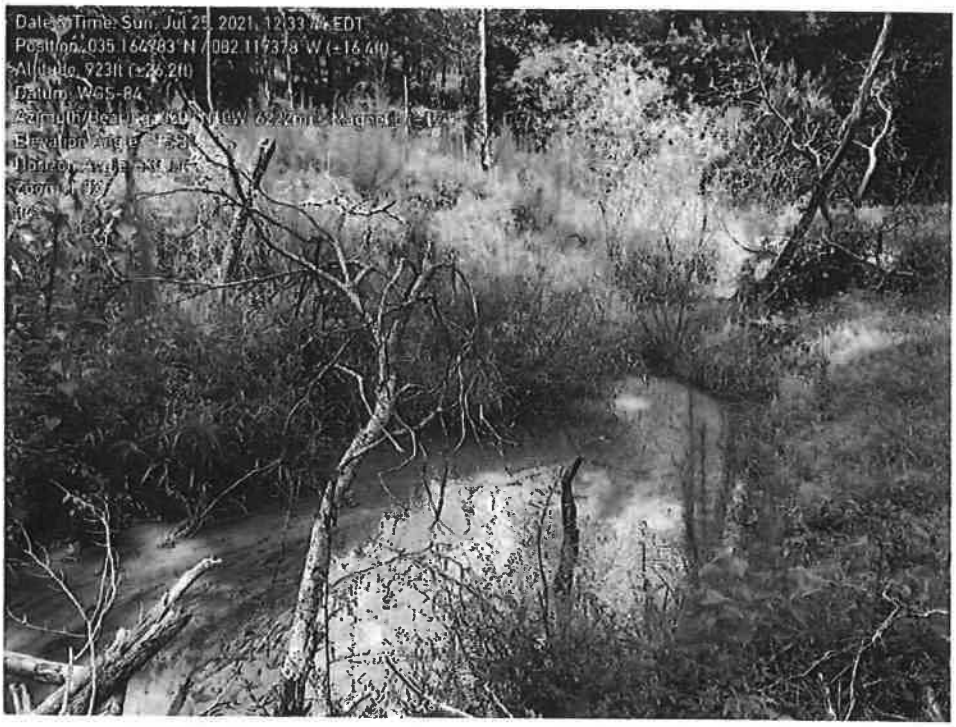


Photopoint 7, Photo 2: view downstream below Piedmont Springhead Seep, oxbow in Headwater Stream Forest and abandoned beaver impoundment

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



Photopoint 7, Photo 3: supplemental view - upstream at abandoned Beaver Impoundment with high quality early successional habitat, instream debris; Stream width range 2-3 feet



Photopoint 7, Photo 4: supplemental view - downstream at abandoned Beaver Impoundment with high quality early successional habitat, instream debris; Stream width range 2-4 feet

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



Photopoint 8, Photo 1: view upstream; Goldmine Creek narrowing and smaller with dense in upper headwaters. Stream width range 1.5-2 feet



Photopoint 8, Photo 2: view downstream, upper headwaters of Goldmine Creek and dense rivercane. Stream width range 1.5-2 feet

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



Photopoint 9, Photo 1: view upstream of Goldmine Creek with steeper natural embankments. Stream width range 2-3 feet



Photopoint 9, Photo 2: view downstream, upper headwaters of Goldmine Creek and alluvial benches. Stream width range 1.5-2 feet

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221



Photopoint 10, Photo 1: view upstream, southwestern headwaters badly eroding (75-80%) embankments. Stream width range 3-6 feet, artificially wide



Photopoint 10, Photo 2: view downstream, southwestern headwaters badly eroding (75-80%) embankments. Stream width range 1-2 feet, artificially narrow

REFERENCES

APHA, 2012. Standard methods for the examination of water and wastewater, 22nd edition edited by E. W. Rice, R. B. Baird, A. D. Eaton and L. S. Clesceri. American Public Health Association (APHA), American Water Works Association (AWWA) and Water Environment Federation (WEF), Washington, D.C., USA

Beaty, Steven R. 2015. The Plecoptera of North Carolina: A Biologist's Handbook for the Identification of Stonefly Nymphs with Standard Taxonomic Effort Levels. Raleigh, N.C. Dept. of Environmental Quality

Gaddy, LL. PhD. 2001. Endangered and Threatened Species, Wetlands, and Natural Areas of Greenspace of Fairview. Spartanburg County, South Carolina

Izaak Walton League. 2020. Save our Streams Biological Monitoring Data Form. Gaithersburg, Izaak Walton League of America

NatureServe Explorer. 2021. https://explorer.natureserve.org/

Scott, et al. 2009. The South Carolina Stream Assessment Standard Operating Procedures A document prepared by the SCDNR Stream Assessment Task Group of the Freshwater Fisheries Section. Updated April 2009

South Carolina Department of Health and Environmental Control (DHEC). July 2014. Regulation 61-68 Water Classifications and Standards. 2600 Bull Street | Columbia, SC 29201

South Carolina Department of Health and Environmental Control (DHEC). June 2020. Regulation 61-69, Water Classifications and Standards. 2600 Bull Street | Columbia, SC 29201

Tracy, Bryn H., et al. 2020. An Annotated Atlas of the Freshwater Fishes of North Carolina. vol. 1/Number 60, Knoxville, Southeastern Fishes Council, The University of Tennessee Knoxville

Upstate Forever. 2010. A Special Places Inventory of Spartanburg County.

Voshell, Jr., J. Reese. 2002. A Guide to Common Freshwater Invertebrates of North America. First ed., Blacksburg, McDonald & Woodward Publishing Co.

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

MacDonald, Leigh

From: Madelon Wallace [redacted]
Sent: Monday, March 6, 2023 10:59 AM
To: Holliday, Joan; MacDonald, Leigh
Subject: T Tree Farms UMLO requirement 3.13 (4) Comfort Station

T Tree Farms RV Park: Comfort Stations

Dear Joan and Leigh:

Where are the required comfort stations in the developer's application ? We see none on the site plans. The developer told P & D that
the "office" will have a bathroom and that it might not be open for a year. How does this comply with the UMLO 3.13 (4) ? Are you really ready to go forward and recommend conditional approval to the commission tomorrow ? Dozens of citizens plan to attend the meeting.
Please reply by 3:00 PM today whether or not you are going forward with presenting this project to the commission tomorrow with no apparent comfort station. When you asked the developer about this, she replied that there are sewer hooks ups to each RV. **These are**
not comfort stations.

Thanking you for your quick reply.

Respectfully, Madelon Wallace

Redaction Log

Reason	Page (# of occurrences)	Description
no reason	**1** (1)	---

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

Spartanburg County
Planning and Development
Department

366 N Church Street, Suite 700
Spartanburg, SC 29303
http://www.spartanburgcounty.org

Telephone 864-596-3570
Facsimile 864-596-3018

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

March 8, 2023

Blue Sky Associates, LLC
[redacted]

RE: T. Tree Farms RV Park – Major Land Site Plan

To Whom It May Concern:

On March 07, 2023, the Spartanburg County Planning Commission gave conditional Site Plan approval to the development referenced above.

This notification will be sent to the applicant, according to the application. If there are others affiliated with this project that should be sent this notification, please forward this on to them as well.

Major Land Site Plan approval will be completed upon receipt of all items required by the Unified Land Management Ordinance (ULMO), and listed below, and approvals by:

1. **Spartanburg County Public Works (Engineering, Stormwater, and Encroachment);**
2. **SCDHEC (Permit to Construct a Production Well);**
3. **Withdrawal of the previous application which received contingent approval in March of 2021.**

If you have any questions, please contact me at 864-596-3463.

Sincerely,

Leigh MacDonald

Leigh MacDonald
Current Planning Manager
Spartanburg County Planning & Development

cc: File

Redaction Log

Reason	Page (# of occurrences)	Description
no reason	**1** (1)	---

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221