



**POLICY**

**OF PROCEDURE**

**LAURENS COUNTY**  
**PLANNING COMMISSION**

**INDEX**  
**PLANNING COMMISSION - COUNTY OF LAURENS**

**SECTION I ORGANIZATION.....4**

- 1.) Planning Legislation in South Carolina
- 2.) Local Planning Organizational Structures
- 3.) County Planning Commission
- 4.) Name of Commission
- 5.) Established

**SECTION 2. MEMBERSHIP .....4**

- 1. Other office.
- 2. Terms.
- 3. Compensation.
- 4. Vacancy.
- 5. Removal.
- 6. Appointments.
- 7. Community interest.

**SECTION 3. OFFICERS - .....5**

- 1.) Chairman -
- 2.) Vice-Chairman -
- 3.) Secretary -
- 4.) Additional Duties

**SECTION 4 EDUCATIONAL REQUIREMENTS FOR PLANNING COMMISSION -.....5**

**SECTION 5 MEETINGS.....6**

- 1.) Regular Meetings
- 2.) Special Meetings
- 3.) Time and Place
- 4.) Agenda
- 5.) Quorum
- 6.) Attendance
- 7.) Rules of Order
- 8.) Voting
- 9.) Conduct
- 10.) Order of Business
- 11.) Meetings Open
- 12.) Records Open
- 13.) Minutes

**SECTION 6 – RULES OF PROCEDURE .....7**

**SECTION 7 – THE COMPREHENSIVE PLANNING PROCESS .....8**

- A.) Planning Process
  - 1.) Inventory of existing conditions
  - 2.) A statement of needs and goals.
  - 3.) Implementation strategies with time frames.
  
- B.) Comprehensive Plan Elements
  - 1.) Population element.
  - 2.) Economic development element.
  - 3.) Natural resources element.
  - 4.) Cultural resources element.
  - 5.) Community facilities element.
  - 6.) Housing element.
  - 7.) Land use element.
  - 8.) Transportation element.
  - 9.) Priority investment element.
  
- C.) Comprehensive Plan -
  
- D.) Periodic Revision Required -
  
- E.) Procedure for Adopting Plan or Amendments -
  - 1.) Resolution.
  - 2.) Minutes.
  - 3.) Recommendation.
  - 4.) Hearing.
  - 5.) Ordinance.
  - 6.) Review of Public Project

**SECTION 8\_ ADOPTION AND AMENDMENT .....11**

- A.) Adoption -
- B.) Amendment -

## PROCEDURE

### PLANNING COMMISSION - COUNTY OF LAURENS

#### **SECTION I ORGANIZATION**

- 1.) **Planning Legislation in South Carolina** - The authority for local governments to undertake planning and to adopt zoning and land development regulations is granted by the General Assembly. The General Assembly authorized municipal planning and zoning in 1924 and county planning in 1942.

The Local Government Comprehensive Planning Enabling Act of 1994 replaced the 1967 Act, repealed all of the above statutes and required all local comprehensive plans, zoning and land development ordinances conform to the 1994 Act by December 31, 1994. The 1994 Act, with subsequent amendments, is codified at S.C. Code Title 6, Chapter 29.

- 2.) **Local Planning Organizational Structures** - Local governments must establish a local Planning Commission to begin comprehensive planning. Several types of Planning Commissions may be created by ordinance. S.C. Code § 6-29-310 through § 6-29-380. See Appendix B for model ordinances.
- 3.) **County Planning Commission** - A County Council can create a County Planning Commission of five (5) to twelve (12) members. The commission's authority is limited to the unincorporated area of the county.
- 4.) **Name of Commission** – The Official name of the Commission shall be the Laurens County Planning Commission
- 5.) **Established** – The Laurens County Planning Commission was established by enactment of an ordinance to create the Commission by the Laurens County Council on March 15, 1971. There were ordinances of reorganizational processes during the years with the last being by Ordinance on June 24, 1997.

These rules of procedure are adopted pursuant to South Carolina Code § 6-29-310 for the Laurens County Planning Commission, which consists of members, appointed by County Council.

#### **SECTION 2. MEMBERSHIP**

1. **Other office.** A Planning Commission member cannot hold an elected public office in the municipality or county making the appointment.
2. **Terms.** The governing body must appoint members for staggered terms. Members serve until their successors are appointed and qualified.
3. **Compensation.** Compensation of Planning Commission members, if any, is determined by the local government creating the commission. Usually, members serve without pay. However, they may be reimbursed for authorized expenses incurred in the performance of their duties.
4. **Vacancy.** The local government making the original appointment must fill any vacancy for the unexpired term.
5. **Removal.** The local government governing body may remove for cause any member it appoints.

6. **Appointments.** When making appointments, the local governing body must consider professional expertise, knowledge about the community and concern for the future welfare of the total community and its citizens.
7. **Community interest.** Commission members must represent a broad cross section of the interests and concerns within the jurisdiction.

**SECTION 3. OFFICERS** - The officers of the Commission shall be a Chairman and Vice-Chairman elected for one-year terms at the first meeting of the Commission in each calendar year. The Commission shall appoint a member of the staff of the County as Secretary of the Commission.

- 1.) **Chairman** - The Chairman shall be a voting member of the Commission and shall:
  - a.) Call meetings of the Commission;
  - b.) Preside at meetings and hearings;
  - c.) Act as spokesman for the Commission;
  - d.) Sign documents for the Commission;
  - e.) Transmit reports and recommendations to Council; and
  - f.) Perform other duties approved by the Commission.
- 2.) **Vice-Chairman** - The Vice-Chairman shall exercise the duties of the Chairman in the absence, disability or disqualification of the Chairman. In the absence of the Chairman and Vice-Chairman, an acting chairman shall be elected by the members present.
- 3.) **Secretary** - The Secretary shall:
  - a.) Provide notice of meetings;
  - b.) Assist the Chairman in preparation of agenda;
  - c.) Keep minutes of meetings and hearings;
  - d.) Maintain Commission records as public records;
  - e.) Attend to Commission correspondence; and
  - f.) Perform other duties as requested / approved by the Commission
- 4.) **Additional Duties** - The Chairman, Vice-Chairman, and Secretary shall perform such other duties and functions as may from time to time be required by the Commission or by its By-Laws.

**SECTION 4 EDUCATIONAL REQUIREMENTS FOR PLANNING COMMISSION** - Amendments in 2003 to the Comprehensive Planning Act added mandatory orientation and continuing educational requirements for local Planning Commission members, as well as for other appointed officials and professional employees involved with local zoning and planning entities. These requirements are set out in Article 9 of the Act (S.C. Code § 6-29-1310, et seq.).

The educational requirements apply to “appointed officials” (defined as Planning Commissioners, board of zoning appeals members, and board of architectural review members) and “professional employees”(defined as a planning professional, zoning administrator, zoning official, or a deputy or assistant of a planning professional, zoning administrator or zoning official). S.C. Code § 6-29-1310. Exemptions from the educational requirements are allowed for individuals who have (1) a certification by the American Institute of Certified Planners; (2) a master’s or doctorate degree in planning from an accredited college or university; (3) a master’s or doctorate degree or specialized training or experience in a field related to planning (as determined by the State Advisory Committee on Educational Requirements for Local Government Planning or Zoning Officials and Employees); or (4) a license to practice law in

the state. S.C. Code § 6-29-1350. Exempted individuals are required to file a certification form and documentation of the exemption as required by Section 6-29-1360.

The 2003 amendments created a State Advisory Committee on Educational Requirements for Local Government Planning or Zoning Officials and Employees. The Committee consists of five members appointed by the governor with the advice and consent of the Senate. The Committee approves the education programs then compiles and distributes a list of approved education programs. S.C. Code § 6-29-1330.

The educational requirements consist of (1) a minimum of six hours of orientation training, and (2) a minimum of three hours of annual training after the first year of service or employment. Individuals must complete the orientation training six months prior to or one year after the initial date of appointment or employment. A person who attended six hours of orientation training for a prior appointment or employment is not required to re-take the orientation training for a subsequent appointment or employment after a break in service but is required to comply with the annual requirement.

The training program may include such subjects as land use planning, zoning, floodplains, transportation, community facilities, ethics, public utilities, wireless telecommunication facilities, parliamentary procedure, public hearing procedure, administrative law, economic development, housing, public buildings, building construction, land subdivision, and powers and duties of the Planning Commission, board of zoning appeals or board of architectural review. S.C. Code § 6-29-1340. By December 31 of each year, the local governing body must provide its clerk with a list of appointed officials and professional employees involved with a planning or zoning entity. The local governing body also must annually inform each planning or zoning entity in its jurisdiction of the requirements of Article 9. S.C. Code § 6-29-1320. The local governing body is responsible for providing approved education programs or funding approved education courses provided by others. S.C. Code § 6-29-1370.

Annual certification of compliance with the educational requirements must be filed with the clerk of the local governing body on a form prescribed by S.C. Code § 6-29-1360. Filing the certification is the responsibility of the appointed official or professional employee. The yearly filing is due no later than the anniversary date of appointment or employment. The form is a public record. Failure to complete the requisite education requirements **or** to file the certification form and documentation may result in removal of an appointed official from office for cause. Failure of a professional employee to complete the requirements or file the certification may result in suspension or removal from employment relating to planning or zoning. Falsification of the certification or documentation bars subsequent appointment as an appointed official or employment as a professional employee. S.C. Code § 6-29-1380.

## **SECTION 5 MEETINGS**

- 1.) **Regular Meetings** - The regular meetings of the Planning Commission shall be held on the third Tuesday of each month.
- 2.) **Special Meetings** - Special meetings may be called by the Chairman, provided that reasonable advance notice is given each member.
- 3.) **Time and Place** - An annual schedule of regular meetings shall be adopted, published and posted at the designated County Offices in December of each year. Special meetings may be called by the Chairman upon twenty-four (24) hours' notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

- 4.) **Agenda** A written agenda shall be furnished by the Secretary to each member of the Commission and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting by majority vote.
- 5.) **Quorum** - A majority of the members of the Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.
- 6.) **Attendance** If any member shall fail to attend three (3) consecutive regular meetings of the Planning Commission, such member shall be deemed to have resigned. The Planning Commission shall request the County Council to fill the vacancy.
- 7.) **Rules of Order** - Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.
- 8.) **Voting** - A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the Chairman in writing, have it placed in the minutes, and refrain from deliberation or voting on the question.
- 9.) **Conduct** - Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission.
- 10.) **Order of Business** The Secretary shall prepare the agenda of the regular meetings so that items represented by persons expected to be in attendance shall be considered first while items anticipated to have lengthier discussions shall be considered last.
- 11.) **Meetings Open** - All meetings of the Planning Commission at which official action is taken shall be open to the public.
- 12.) **Records Open** - All records of the Commission shall be a public record.
- 13.) **Minutes** - The Secretary shall record all meetings and hearings of the Commission on tape which shall be preserved until final action is take on all matters presented. The Secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

**SECTION 6 – RULES OF PROCEDURE** - A Planning Commission must adopt rules of procedure. S.C. Code § 6-29-360. As a minimum, the rules should cover the following:

1. Election of a chairperson and vice-chairperson
2. Appointment of a secretary
3. Procedures for calling meetings
4. Place and time for meetings
5. Posting notice of meetings to comply with Freedom of Information Act
6. Setting agenda
7. Quorum and attendance requirements
8. Rules and procedure for conducting meetings
9. Public hearing procedure
10. Procedure for making and keeping records of actions
11. Procedure for plan and plat review

**SECTION 7 – THE COMPREHENSIVE PLANNING PROCESS** - This section deals with the work of the local Planning Commission as it develops a planning process to prepare and periodically revise the comprehensive plan. The 1994 Act retained the comprehensive plan as the essential first step in the planning process. The scope and substance of the comprehensive plan were expanded.

- A.) **Planning Process** - The Planning Commission must establish and maintain a planning process which will result in the systematic preparation and continual evaluation and updating of the elements of the comprehensive plan. S.C. Code § 6-29-510(A). Surveys and studies on which the planning elements are based must consider potential conflicts with other jurisdictions and the effect of any regional plans or issues. S.C. Code § 6-29-510(B). The planning process for each comprehensive plan element must include but is not limited to the following items:
- 1.) **Inventory of existing conditions.** The inventory could include a description of existing conditions as they relate to the particular planning element under consideration.
  - 2.) **A statement of needs and goals.** A vision statement establishes where the community wants to go. It should include long- and short-range goals for achieving the vision. It is important to involve the community in identifying needs and goals to create community support for the plan and minimize future objections to specific programs. When preparing or updating plan elements, the Planning Commission may appoint advisory committees with membership from the Planning Commission, neighborhoods or other groups, and individuals in the community. If the local government maintains a list of groups that have registered an interest in being informed of proceedings, it must mail meeting notices relating to the planning process to them.
  - 3.) **Implementation strategies with time frames.** Implementation strategies for each element should include specific objectives, steps and strategies for accomplishing the objectives. The strategies should specify time frames for actions and persons or organizations who will take the actions.
- B.) **Comprehensive Plan Elements** - There should be broad-based citizen participation for developing of comprehensive plan elements. An element must address all relevant factors listed in the 1994 Act; however, the Act does not dictate how extensively they must be covered. The extent should be based on community needs. The plan must include at least the following elements. S.C. Code § 6-29-510(D).
- 1.) **Population element.** The population element includes information related to historic trends and projections; the number, size and characteristics of households; educational levels and trends; income characteristics and trends; race; sex; age and other information relevant to a clear understanding of how the population affects the existing situation and future potential of the area.
  - 2.) **Economic development element.** The economic element includes historic trends and projections on the numbers and characteristics of the labor force, where the people who live in the community work, where people who work in the community reside, available employment characteristics and trends, an economic base analysis and any other matters affecting the local economy. Tourism, manufacturing and revitalization efforts may be appropriate factors to consider.
  - 3.) **Natural resources element.** This element could include information on coastal resources, slope characteristics, prime agricultural and forest land, plant and animal habitats, unique park and recreation areas, unique scenic views and sites, wetlands and soil types. This element could also include information on flood plain and flood way

areas, mineral deposits, air quality and any other matter related to the natural environment of the area. If there is a separate community board addressing any aspects of this element that board may be made responsible for preparing this element. The Planning Commission could incorporate the element into the local comprehensive plan by reference. S.C. Code § 6-29-510 (D)(3).

- 4.) **Cultural resources element.** This element could include historic buildings and structures, unique commercial or residential areas, unique natural or scenic resources, archeological sites, educational, religious or entertainment areas or institutions, and any other feature or facility relating to the cultural aspects of the community. As with the natural resources element, a separate board may prepare this element. The Planning Commission can incorporate the work of a separate board into the comprehensive plan by reference.
- 5.) **Community facilities element.** This element includes many activities essential to the growth, development or redevelopment of the community. The commission should give separate consideration to the following plans.
  - a.) water supply, treatment and distribution plan
  - b.) sewage system and wastewater treatment plan
  - c.) solid waste collection and disposal plan
  - d.) fire protection plan
  - e.) emergency medical services plan
  - f.) plan for any necessary expansion of general government facilities
  - g.) plan for educational facilities
  - h.) plan for libraries and other cultural facilities

Preparing of the community facilities element may require involving special purpose district boards and other governmental and quasi-governmental entities such as the library board, historic preservation society and public utilities board.

- 6.) **Housing element.** This element includes an analysis of existing housing by location, type, age, condition, owner and renter occupancy, affordability, and projections of housing needs to accommodate existing and future population as identified in the population and economic elements. The housing element requires an analysis of local regulations to determine if there are regulations that may hinder development of affordable housing. It includes an analysis of market-based incentives that may be made available to encourage the development of affordable housing. Incentives may include density bonuses, design flexibility and a streamlined permitting process.
- 7.) **Land use element.** This element deals with the development characteristics of the land. It considers existing and future land use by categories including residential, commercial, industrial, agricultural, forestry, mining, public and quasi-public, recreation, parks, open space, and vacant or undeveloped land. This element is influenced by all previously described plan elements. The findings, projections and conclusions from each of the previous six elements will influence the amount of land needed for various uses.
- 8.) **Transportation element.** This element was originally included in the community facilities element. The transportation element considers transportation facilities including major road improvements, new road construction, and pedestrian and bicycle projects. This element must be developed in coordination with the land use element to ensure transportation efficiency for existing and planned development.
- 9.) **Priority investment element.** This element requires an analysis of projected federal, state and local funds available for public infrastructure and facilities during the next 10

years and recommends the projects for those funds. These recommendations must be coordinated with adjacent and relevant jurisdictions and agencies (counties, other municipalities, school districts, public and private utilities, transportation agencies, and any other public group that may be affected by the projects). Coordination simply means written notification by the local Planning Commission or its staff to those groups.

- C.) **Comprehensive Plan** - The required nine planning elements plus any other element determined to be needed in the local community, whether done as a package or in separate increments, together comprise the comprehensive plan. All planning elements represent the Planning Commission's recommendations to the local governing body regarding wise and efficient use of public funds, future growth, development, redevelopment and the fiscal impact of the planning elements on property owners. S.C. Code § 6-29-510(E).

The Planning Commission must review and consider, and may recommend by reference, plans prepared by other agencies which in the opinion of the Planning Commission meet requirements of the 1994 Act.

- D.) **Periodic Revision Required** - The Planning Commission must review the comprehensive plan or particular elements of the comprehensive plan as often as necessary. Changes in the growth or direction of development taking place in the community dictate when a review is necessary. Economic setbacks resulting in an unanticipated loss of jobs could also trigger a need to re-evaluate the comprehensive plan. As the plan or elements are revised, it is important to amend the capital improvements program and any ordinances based on the plan to conform to the most current comprehensive plan. S.C. Code § 6-29-510(E) requires the following plan updates:

1. The Planning Commission must re-evaluate the comprehensive plan elements at least every **five years**. There is no requirement to rezone the entire city or county at one time. The land use element could be reviewed and updated in stages or by neighborhoods.

2. The comprehensive plan, including all the elements of the plan, must be updated at least every **10 years**. The Planning Commission must prepare and recommend a new plan and the governing body must adopt a new comprehensive plan every 10 years.

- E.) **Procedure for Adopting Plan or Amendments** - When the plan, any element, amendment, extension or addition is completed, the following steps must be taken in accord with S.C. Code § 6-29-520 and § 6-29-530.

1.) **Resolution**. By majority vote, the Planning Commission must adopt a resolution recommending the plan or element to the governing body for adoption. The resolution must refer explicitly to maps and other descriptive material intended by the commission to form the recommended plan.

2.) **Minutes**. The resolution must be recorded in the Planning Commission's official minutes.

3.) **Recommendation**. A copy of the recommended comprehensive plan or element must be sent to the local governing body being requested to adopt the plan. In addition, a copy must be sent to all other legislative or administrative agencies affected by the plan.

4.) **Hearing**. Before adopting the recommended plan, the governing body must hold a public hearing after publishing at least 30 days' notice of the time and place of the hearing in a general circulation newspaper in the community.

- 5.) **Ordinance.** The governing body must adopt the comprehensive plan or element by ordinance. S.C. Code § 6-29-530. The governing body cannot approve the plan on final reading of the ordinance until the Planning Commission has recommended the plan.
- 6.) **Review of Public Project** - After the comprehensive plan or an element relating to proposed development is adopted, a public agency or any entity proposing a public project must submit its development to the Planning Commission. The Planning Commission must review and comment on the compatibility of the proposed development with the comprehensive plan. No new street, structure, utility, square, park or other public way, grounds, open space or public buildings for any use, whether publicly or privately owned, may be constructed or authorized in the geographic area within the jurisdiction of the Planning Commission until the location, character and extent of such activities have been submitted to the local Planning Commission. S.C. Code § 6-29-540. If the Planning Commission finds the proposal to be in conflict with the comprehensive plan, it sends its findings and the particulars of the nonconformity to the entity proposing the facility. The governing or policymaking body of the entity proposing the project must consider the Planning Commission's findings and decide whether to bring the project into conformity with the comprehensive plan or proceed in conflict with the plan. If the decision is made to proceed in conflict with the plan, the entity must publicly state its intention to proceed and the reasons for the action. A copy of these findings must be sent to the local governing body and the local Planning Commission. In addition, it must be published as a public notice in a general circulation newspaper in the community at least 30 days before awarding a contract or beginning construction.

S.C. Code § 6-29-540 requires everyone involved in creating the built environment pay attention to the adopted comprehensive planning elements. The process for commission review is a major tool to help ensure investments move the community toward implementing the comprehensive plan. To minimize potential conflicts, the Planning Commission should involve individuals and representatives of agencies and groups in the community on advisory committees as the various comprehensive planning elements are being developed.

## **SECTION 8 - ADOPTION AND AMENDMENT**

- A.) **Adoption** - These rules were adopted by a vote of a majority of the members of the Commission at a regular public meeting on February 16, 2016.
- B.) **Amendment** - These rules may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven (7) days after the written amendment is delivered to all members.

- SIGNATURE PAGE FOLLOWS -

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
VICE CHAIRMAN

\_\_\_\_\_  
DATE

ATTESTED BY:

\_\_\_\_\_  
LAURENS COUNTY CLERK TO COUNCIL

\_\_\_\_\_  
DATE

This Policy was recommended by the SCAC and was approved earlier this year by the Planning Commission. County Administrator Caimo wishes to review and address this Policy with all involved for clarification purposes and a better understanding for all involved. Should the Planning Commission wish to make changes by adding or deleting certain criteria, this will be discussed at this time.

As a matter of information, I compared our present Policy with the Greenville County Planning Commission Policy. It was written with many similarities as a whole. The only difference that I saw that could possibly be inserted was the following:

***Article III***

***Committees***

***Section 1. Special Committees.***

*The Chair of the Planning Commission may create special committees, without limit as to number of members, to study items that, in his/her judgement, require special attention. The Chair of the Planning Commission shall designate one member to Chair the special committee.*

***Section 2. Committee Meetings.***

*Any committee shall meet at the call of its Chair. Such meetings shall comply with the rules of notice and agenda requirement of the S.C. Freedom of Information Act.*