

Reference the South Carolina Mining Act, specifically Section 48-20-250 which states the following:

“No provision of this chapter supersedes, affects, or prevents the enforcement of a zoning regulation or ordinance within the jurisdiction of an incorporated municipality or county or by an agency or department of this State, except when a provision of the regulation or ordinance is in direct conflict with this chapter.”

As demonstrated by the South Carolina Mining Act, oversight of the day-to-day operations of a mining operation rests with DHEC and other relevant State and Federal Agencies. However, it is the right and the responsibility of Horry County Council, as illustrated by the Mining Act, to determine where mining operations can be established, to ensure that they do not become a public nuisance, that they do not cause harm to our waterways and to our environment, and to allow mining operations to meaningfully contribute to our county.

The Carolina Forest Civic Association demands that Horry County Council revise its zoning map to identify mining as a separate and distinct land-use, to identify appropriate setbacks and buffers as deemed necessary, but do not conflict with the South Carolina Mining Act. The Carolina Forest Civic Association understands the importance of mining to the county’s economy. However, the Carolina Forest Civic Association, and the residents of Carolina Forest, understand the consequences that can arise from failing to revise the County’s zoning map and its ordinances.

Almost 10 years ago, a mining operation known as ‘Cotton Patch’ attempted to establish itself in the Carolina Forest community under the guise of a residential subdivision. In doing so, they not only deceived SC-DHEC and the SCDOT, they did this by exploiting loopholes in Horry County’s very own zoning ordinance at the time.

It is understood that Horry County’s zoning ordinances are young compared to our neighbors, and that improvements still need to be made. Mining, for example, is currently permitted in areas zoned for agricultural use. Mining, as it uses heavy trucks and equipment to extract and stockpile large amounts of material on-site is more akin to an industrial use as opposed to agricultural, illustrating that further revisions to the County’s zoning ordinances are necessary to fully encompass the different land-uses within its borders. The concern from Horry County residents is real, even members of Horry County Council itself have expressed concern that a mining operation could be established near their own property. That concern, that fear, is very real, and as Horry County works to revise its zoning ordinances to remove conflict with the Mining Act, the County must also identify mining as a separate and distinct land-use, with its own setbacks, buffers, and any other requirement as deemed necessary, but do not conflict with the Mining Act.

Doing this will not violate the South Carolina Mining Act, doing this is a right, and the responsibility given to local governments, including Horry County, to ensure that mining operations do not have a negative impact on local residents. Revising our zoning map will ensure that a proposed mine fits into the Imagine 2040 plan that Horry County Council and the Horry County Planning Commission spent months of time and effort to put together.

In Berkeley County, mining operations are classified under Heavy Industrial, and in Dorchester County, the county is divided into three zoning districts; suburban, transitional, and rural. And of those zoning districts, mining is only allowed in the rural zoning district as a conditional use. None of these counties are violating the Mining Act, and both of these counties are examples Horry County can and should follow while revising its zoning ordinances.

The Carolina Forest Civic Association understands the need to revise Horry County's zoning ordinances to remove conflict with the South Carolina Mining Act. However, every member of Horry County Council must put the voices and concerns of Horry County residents before and above the interests of any industry that operates within our borders. The Carolina Forest Civic Association understands the importance, and the value, that the mining industry contributes to our county. However, the Carolina Forest Civic Association, and its residents, also understand the consequences of what can happen when a mining operation attempts to establish themselves in areas where they simply do not fit.