



Oconee County Planning Commission

415 S. Pine Street, Walhalla, SC

29691

Telephone: 864-638-4218

Minutes

Planning Commission Meeting

April 19, 2010

The Oconee County Planning Commission held a regular meeting on April 19, 2010 at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Tommy Abbott (Chairman)
Howard Moore, (Vice Chairman)
Ryan Honea
Andy Heller
Rex Ramsay
Bill Evatt

Staff Present: Aaron Gadsby (County Planner)
Carol Harvey (Planner)

Media Present: Carlos Galarza, Daily Journal
Ray Chandler, Anderson Independent

Item 1: Chairman Abbott called the meeting to order.

Item 2: Approval of Minutes - Mr. Evatt made a motion to approve the April 5th meeting minutes; Mr. Ramsay seconded the motion. The motion passed unanimously.

Item 3: Public Comment

Mrs. Donna Linsin- Mrs. Linsin thanked the Commission for implementing a moratorium on rezoning requests, citing issues that she feels should be addressed in the current ZEO.

Mr. Jerry Barnett- Mr. Barnett spoke out against the ZEO and stated that real citizens will be heard, that property has been taken, and the real citizens want it back.

Mr. John Little- Mr. Little thanked the Commission for the positive action of slowing down the rezoning process, stating that the current ZEO should be revisited and/or rescinded.

B.J. Littleton- Mr. Littleton expressed concerns about various issues.

Item 4: Consideration of Ordinance 2010-09 - Mr. Gadsby passed out copies of a draft ordinance to enable the County to enter into development agreements with outside

entities. Mr. Abbott suggested that Commission action on this item be consolidated with the following agenda item.

Item 5: Consideration of Ordinance 2010-10 - Mr. Gadsby passed out copies of a draft ordinance that authorizes the execution and delivery of a development agreement between Oconee County and Keowee River Preservation Group, LLC. Mr. Gadsby advised the Commission members that state law requires that a public hearing be conducted by the Commission before such ordinances are adopted. He recommended that the public hearing be scheduled for the May 17th Commission meeting, which would allow for the May 3rd meeting between now and then, to address any questions or concerns that may arise. Mr. Honea made a motion to schedule the public hearing for the two ordinances for the May 17 Commission meeting and Ms. Heller seconded that motion, the motion carried.

Item 6: Consideration of Communication Tower Regulations - Mr. Ramsay made a motion to change wording on page 5 of the current draft that pertains to the requirement of 2 additional carriers on the communication towers. He cited situations where towers are located in restricted areas operated by utility companies. Mr. Ramsay made a motion to clarify the language on page 5 pertaining to collocation requirements to exempt communication towers used solely by utility companies from the collocation requirements. Mr. Evatt seconded the motion. Mr. Honea made a motion send the updated draft to Council for approval. Mr. Moore seconded that motion and the motion carried.

Item 7: Discussion and consideration of the Zoning Enabling Ordinance - Mr. Abbott asked each Commission member to individually state their concerns with the current ZEO.

Ms. Heller: 1) concerned with the overlap of petitions, stating that this should be remediated by confirming request boundaries when the requests are initially submitted.
 2) suggested incorporating stronger requirements into the current Lake Overlay that would be specifically designed to protect the quality of the lake.

Mr. Ramsay: 1) concerned that the whole rezoning process seems to be rushed
 2) many property owners are making decisions in a panic because they are worried about what will happen if they don't do anything
 3) need some type of acreage ratio so that a few small parcels can't control the entire area
 4) need more options for types of rezoning districts

Mr. Abbott: 1) asked Mr. Gadsby to explain the 15% minimum requirement of petitions on page 12 of the ZEO. Mr. Gadsby explained the 15% was required to start the rezoning request for the Planning District method, which also includes a requirement for public hearings to actually develop the map of the rezoning districts within the specified planning district.
 2) is in favor of amending the small area method requirement for 51% of yes petitions, stating that the requirement should be increased to 75% yes petitions from landowners in the defined area, along with the petitions accounting for at least 75% of the land.

- 3) wants a standardized petition form to be posted on the website so that all requests are submitted with one type of petition that states whether the person signing is saying Yes or No for the proposed rezoning.
- 4) wants zoning to stay within the overlay area and allow areas outside the overlay to remain unzoned.

- Mr. Moore:
- 1) need a standard notification letter that people can easily understand
 - 2) need a yes or no vote to show if people support the rezoning or not
 - 3) need a minimum of 75% petitions
 - 4) contact should be made with all parcel owners and they should be made aware of all the zoning district options
 - 5) include some type of weighting factor for acreage
 - 6) need a 24 hour information line for people to call in for information and that number should be included on all correspondence with parcel owners
 - 7) should not be able to cross water with the rezoning areas or at least have a limit on the size of water body that can be crossed
 - 8) raised the question of whether zoning can supersede deed restrictions? Mr. Gadsby stated that his understanding is that if the deed restrictions are recorded prior to the ordinance adoption, the deed takes precedence.
 - 9) All letters to parcel owners be handled like certified letters so there is some assurance that the intended recipients actually get the letters.
 - 10) Need a fee structure to offset the cost of mailouts...Mr. Moore indicated that he has a sample fee schedule.
 - 11) Suggested that the overlay should already accomplish much of what some people are wanting to protect the lake from.
 - 12) Questioned if the buffer should be in the zoning ordinance since it currently is only enforced in the overlay through new construction permits. Ms. Heller stated that the current overlay requirement specifically refers to all lake parcels. Mr. Honea noted that if the buffer is in the ZEO, it will only pertain to zoned parcels.

- Mr. Evatt:
- 1) stated that nothing is illegal in the Commission's choice to slow down the rezoning process to revisit the ordinance, that the state legislature says it's part of the job of the Planning Commission.
 - 2) expressed support for the idea of sending registered letters since most citizens may not notice regular mailings
 - 3) agreed with reconsidering the 51% requirement, to go with a higher percentage, more in line with the 75% requirement for annexation proceedings.

Members agreed with the idea to conduct a followup workshop. Mr. Gadsby recapped the following tasks to prepare for the workshop:

1. need draft language to consider the 75% requirement for petitions and acreage.
2. followup with the county attorney to determine status of draft petition that is currently being reviewed
3. consider the issue of using the overlay to meet lake quality goals
4. need draft language for additional zoning district/s

Mr. Moore suggested coming up with information on how Council can fund a general information line for the public on zoning issues and come up with a fee structure on how to pay for the costs of rezoning. After some discussion on meeting dates, Mr. Abbott suggested a work session be held on Wednesday, April 28th at 6:00 PM or Thursday, April 29th, if the 28th does not work for the planning staff. Mr. Evatt suggested that documents for the Planning Commission members be emailed in the future rather than handing out hard copies.

Item 8: Old Business - Mr. Evatt asked if County Council has met on the library issue that was discussed at the last Planning Commission meeting. Mr. Corbeil (in the audience) confirmed that the library issue is on the agenda of the April 20 Council meeting.

Item 9: New Business - Mr. Gadsby noted that the Council took 1st reading on the North Fairview and the North Cane Creek rezoning requests at their meeting on April 13 and forwarded those requests to the Planning Commission, asking that those requests be considered and completed within 30 days. Mr. Abbott responded that the requests will be tabled until decisions are made on issues related to the zoning ordinance. Mr. Moore suggested the possibility of moving ahead with rezoning requests that have 100% petitions signed in favor of the rezoning. Mr. Honea suggested that two additional provisions are needed in the ZEO, one to allow for “mini-farms” type of land use and the other to allow adjacent parcels to join up with areas already zoned.

Item 10. Adjourn