



OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

MINUTES

6:00 PM, MONDAY, SEPTEMBER 14, 2015

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

Members Present: Mr. Childress
Mr. Kisker
Ms. McPhail
Mr. Richards

Staff Present: Matthew Anspach, Planner I
William Brewer, Planning Intern

Media Present: None.

1. Call to Order

Ms. McPhail called the meeting to order at 6:01 PM.

2. Approval of Minutes for August 24, 2015

Ms. McPhail mentioned that there was one correction that she found in the minutes that needed to be amended.

Mr. Kisker motioned to approve the minutes as amended.

Mr. Childress seconded the motion. The motion passed unanimously

3. Public Comment for Agenda and Non-Agenda Items (2 minutes)

Mr. Tom Markovich spoke on small lot setbacks and potential grandfathering.

4. Discussion and presentation update on Community Meetings

Mr. Anspach updated the Commission on the Community Meetings.

5. Consideration of Proposed Coordination Element for Comprehensive Plan

Mr. Anspach mentioned that no new work had been done in regards to the current Coordination Element draft and that staff would recommend a vote to recommend that the element be included in the update to the Comprehensive Plan.

Mr. Richards motioned to recommend to County Council that the Coordination Element be included in the updated Comprehensive Plan.

Mr. Childress seconded the motion. The motion passed unanimously.

6. Ordinance 2015-28 – Gardiner Group PDD

Mr. Russ Gardiner gave an overview of his proposed Planned Development District.

7. Discussion on Planning Commission Rules

Mr. Anspach presented the Commission with a copy of the current rules for the Planning Commission. He pointed out some potential edits to the rules and asked that the Commission review the rules and come up with any suggestions for possible changes to be voted on at the October 12 Planning Commission meeting.

8. Old Business

Mr. Anspach updated the Commission on the issues concerning Wi-Fi tower permitting.

Mr. Richards spoke on the review for Chapter 32/38 and his understanding that it was illegal. He asked that Chairwoman McPhail contact the Council Chair and County Attorney about getting rid of the work that was done and canceling and further potential workshops on work done by the subcommittee.

Mr. Anspach posed that the subcommittee was actually not illegal.

Mr. Richards mentioned there was some confusion on its legality after looking at how the Agricultural Committee was to be formed, whether the Planning Commission could legally form any committees. He also mentioned that communication towers could not be restricted by local zoning laws, according to federal law.

Mr. Anspach discussed that based on his limited research, that communication towers could be regulated consistent to local zoning ordinances and even for aesthetic reasons. He added that at the same time, more legal counsel would need to be given before any new regulations were considered.

9. New Business

Mr. Anspach spoke on the issue of potential small lot setback solutions.

Mr. Tom Markovich spoke on some of the history regarding vested rights and the potential interpretation intended by ordinance. He also mentioned that some of the original context for interpretation was unintentionally lost with the removal of other code over time through edits.

Ms. McPhail pointed out that the small lot setback solutions were “easing” restrictions.

Mr. Richards asked why lots aren’t considered vested in terms of setbacks with regards to the points Mr. Tom Markovich was making.

Mr. Anspach explained that staff has interpreted the ordinance as they read it and that much of what Mr. Markovich pointed out is also an interpretation.

Ms. McPhail presented that there would potentially be a workshop on September 24 with County Council over 32/38. She added that the next community meeting would be Monday at the Walhalla Depot.

Mr. Kisker motioned to cancel the Commission meeting on the 28th.

Mr. Richards seconded the motion. The motion passed unanimously.

The next Planning Commission meeting would be October 12.

10. Adjourn

Mr. Richards motioned to adjourn. 7:12PM