

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

AGENDA

6:00 pm, Monday, June 18th, 2018

Council Chambers - Oconee County administrative complex

1. Call to Order
2. Invocation by County Council Chaplain
3. Pledge of Allegiance
4. Approval of Minutes – June 4th, 2018
5. Public Comment for Non-Agenda Items (3 minutes per person)
6. Staff Update
7. Public Hearing - Proposed amendments to Chapter 32-214 in regards to Lot Improvements.
 - a. Public Comment for Agenda Item
 - b. Discussion / Vote
8. Discussion on clarification of certain code sections bearing on land use and development, as contained in Chapters 26, 32, and 38 of the Oconee County Code of ordinances.
 - a. Public Comment for Agenda Item (3 minutes per person)
 - b. Discussion / Vote
9. Old Business
10. New Business
11. Adjourn

Anyone wishing to submit written comments to the Planning Commission can send their comments to the Planning Department by mail or by emailing them to the email address below. Please Note: If you would like to receive a copy of the agenda via email please contact our office, or email us at achapman@oconeesc.com.

OCONEE COUNTY PLANNING COMMISSION

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MINUTES

6:00 PM, Monday, June 4th, 2018
Oconee County Council Chambers

Members Present

Mr. Kisker District 1
Mr. Gramling District 2
Mr. Vassey District 3
Mr. Pearson District 4
Mrs. Lyles District 5
Mr. Johnson At-Large
Mrs. McPhail At-Large

Staff Present

Adam Chapman, Zoning Administrator
Sherrie Williams, Planner
Media Present: None

1. Call to Order

Mr. Pearson called the meeting to order at 6:00 PM.

2. Invocation by Mrs. Lyles

3. Pledge of Allegiance

4. Approval of Minutes

- a. May 21, 2018
Mr. Vassey – Motion
Mr. Gramling – Second
The motion carried 7-0

5. Public Comment for Non-Agenda Items

None

Staff Updates

Mr. Chapman stated that in order to make changes to the Chapter 32 a public hearing is required. A hearing regarding *Lot Improvements* has been scheduled for the next Planning Commission meeting. The public hearing for any proposed changes has been advertised 30 days ahead of time which is required. The Agriculture Advisory Board next meeting will have a Farmer and Rancher listening session to hear what the farmers and ranchers of Oconee County have to say about the future of agriculture.

7. Discussion regarding Staff responsible for Plat Approvals

a. Public Comment for Agenda Item

None

b. Discussion

Mr. Gramling made a motion to allow Sherrie Williams sign off on plats to be recorded in the Register of Deeds Office the motion was seconded by Mrs. McPhail. The motion's vote was unanimous 7-0.

8. Discussion on clarification of certain code sections bearing on land use and development as contained in Chapters 26, 32, and 38 of the Oconee County Code of Ordinances.

a. Public Comment for Agenda Item

None

b. Discussion

Mr. Chapman stated that Minor Subdivisions are a growing part of our work load and the Code of Ordinances does not address this. Mr. Johnson gave a presentation on his finding for the Commission to discuss. Mr. Johnson is very concerned that creating regulations for developers does not negatively impact private landowner's rights to do with their land as they choose to. Mrs. Lyles asked Mr. Chapman what the current code says. Mr. Chapman stated that all it says is "Minor Subdivision Reserved" meaning that there are no current regulations. Mrs. Lyles stated that the Planning Commission utilize a Corridor Plan and not regulate private drives. Mr. Kisker stated that currently no minor subdivision regulations are in the code and that this is just proposed language. Mr. Kisker stated the current definition of dwelling unit needs to be updated. The Commission as a whole took issue with the County having private drive/road standards if the County is not responsible for maintaining those private drives and roads. Mr. Chapman stated that he can invite Kyle Reid, director of Roads and Bridges, and Chief King, of the Oconee County Fire Department, to come and speak about the road and bridges standards as well as the emergency response side related to private roads and bridges. Mr. Chapman stated that the current road regulations have been in effect since 1976 and updated in 2008 and is already in the code. Mr. Chapman floated the idea of managing access to minor subdivisions on only state defined Collector and Arterial roads. Mr. Chapman recapped the Commission's request; look up definition of dwelling units, definition of subdivision, contact roads and bridges and EMS about the private road standards. Mr. Gramling made clear that he objected to any more

regulation within the Control-Free district. Mr. Chapman showed some various parameters for mobile home parks and R.V. park regulations. Mrs. Lyles made clear that the two, mobile homes and R.V. parks, should be treated independently from one another. There was a discussion related to requiring electricity for vacant mobile-homes. Mr. Vassey noted that mobile-home parks without utilities often decayed and become eyesores and nuisances throughout the County. Mr. Chapman was instructed to look at some other County's mobile-home and R.V. park standards and bring it back to the next Planning Commission.

9. Old Business

Mr. Pearson asked the status of the Comprehensive Plan. Mr. Chapman stated that the funds will be available when the new budget is allotted. Mr. Pearson also stated that the County Council meeting is 06-05-2018, regarding the budget.

10. New Business

None

11. Adjourn

Mr. Gramling made a motion to adjourn seconded by Mr. Pearson. The vote was unanimous 7-0. 7:13 pm

DRAFT

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Material for Public Hearing

Language that is struck will be removed. Language that is highlighted in yellow will be added. All other language currently exists in the current Code of Ordinances.

32-214

(c) *Lot Size*: ~~Minimum lot size shall be .57 acres (approximately 25,000 square feet) with traditional onsite septic tanks served by public water, unless DHEC requires greater area or dimensions.~~ Minimum lot size shall be determined by underlying zoning district located in Chapter 38. All required setbacks shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way. Creation of lots that primary uses cannot be built upon due to dimensional setbacks, buffers, easements and/or lot size must be accompanied by the following language on the plat(s) to be recorded with the Register of Deeds: *Lot(s)___, depicted on this plat is/are not eligible for connection to a sanitary sewer or septic system tank approval nor shall building permits, certificates of occupancy or any other development permit be issued, nor shall any person contract, install upon this tract any building or structure until it has been combined with another tract in a manner that creates a conforming tract in accordance with Oconee County Code of Ordinances.*

32-214

(c) *Lot Size*: Minimum lot size shall be determined by underlying zoning district located in Chapter 38. All required setbacks shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way. Creation of lots that primary uses cannot be built upon due to dimensional setbacks, buffers, easements and/or lot size must be accompanied by the following language on the plat(s) to be recorded with the Register of Deeds: *Lot(s)____, depicted on this plat is/are not eligible for connection to a sanitary sewer or septic system tank approval nor shall building permits, certificates of occupancy or any other development permit be issued, nor shall any person contract, install upon this tract any building or structure until it has been combined with another tract in a manner that creates a conforming tract in accordance with Oconee County Code of Ordinances.*

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32-212 Definitions and 32-213(g) Requirements and Standards

Minor Subdivisions

The following minimum requirements have been established for all new Minor subdivisions to ensure that the development of these lots will protect public health and safety and the orderly development of the surrounding area.

Definition:

A Minor Subdivision is the division of property and/or the creation of new dwelling units up to 10 in number. The Minor Subdivision process may not be used a second time within two years within original property boundaries without utilizing the standards and submittal process for Major Subdivision if total number of lots, units or combination thereof would constitute a Major Subdivision.

Submittal:

Preliminary Plans may be required for any minor subdivisions that involve the creation of new private or public roadways. Sketch and Preliminary Plans may be required for any minor subdivision that involves the upgrading of an existing driveway to drive or drive to road, weather public or private. Final plans shall be submitted for all Minor Subdivisions. All roadway construction or upgrades must be made prior to final approval of the development or utilize section 32-219 *Security in lieu of completion of improvement*. Planning and Zoning staff will receive input and approvals from any additional departments or agencies, as needed. As well:

- A. Each lot must conform to all applicable zoning regulations and Land Development regulations.
- B. The development does not violate the intent of the Subdivision or Zoning Ordinances.

Access:

~~Individual lot/dwelling access is limited to one driveway per three lots and/or dwelling units onto County or State arterial and Collector roadways. Internal roadway systems are encouraged when adjacent to an arterial or collector roadway. No dwelling unit in a minor subdivision should have direct access to a public street or highway. All dwelling unit lots should have access to an interior roadway. (Staff note: **SHOULD** is not **SHALL**)~~

~~(Arterial road means a major road that serves as an avenue for circulation into, out of, or around the county; typical number of average daily traffic (ADT) exceeds 5,000.)EXAMPLE - HWY 123~~

~~(Collector road means a road that has the primary purpose of gathering traffic from intersecting local roads and handling movements to the nearest arterial road; a secondary function is to provide direct access to abutting properties. Typical number of average daily traffic (ADT) exceeds 800.)EXAMPLE - KEOWEE SCHOOL ROAD~~

32-212 Definitions and 32-213(g) Requirements and Standards

Minor Subdivisions

The following minimum requirements have been established for all new Minor Subdivisions to ensure that the development of these lots will protect public health and safety and the orderly development of the surrounding area, **while working to minimize overuse of access points onto state and county roadways.**

***The intent of this ordinance is with regards to developers doing multi-home or multi-lot, development FOR SALE or LEASE.**

***This should be written in such a way as to make it clear that it is not the intent of this ordinance to inhibit private uses of one's personal property.**

***Property which is not being developed for resale may not be subject to these provisions.**

Definition:

A Minor Subdivision is identified as consisting of one of the following two actions:

- 1). A Minor Subdivision can be any division of real property, and/ or
- 2) A Minor Subdivision can be the creation single family, townhome, condo, or of similar type and style dwelling units up to 10 in number on an individual parcel or multiple parcels for sale or lease.

Submittal:

With regards to this section, I think the following should be considered and worded into the ordinance.

*** This section should describe that this is not intended for personal use dwelling units, where the property is not being separated for sale.**

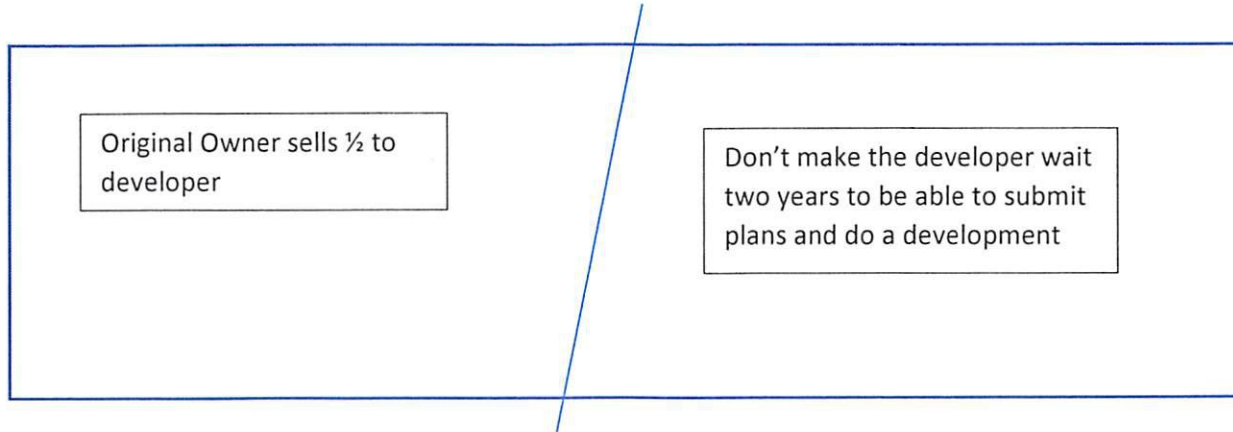
*** Preliminary Plans may be required if the Minor Subdivision INCLUDES the creation of private or public roadways or the upgrade to existing roadways. i.e. If they are planning on the addition of a road, or are planning ot upgrade a road, you should know about it.**

(The county should not request road plans simply because someone is building a guest house)

*** This is the section where it should describe... When developing property for sale, submittals are to be done at this time, and that the process may not be used a second**

time by the original owner within two years if any subdivision of the original property was sold off.

(You don't want to penalize a developer who buys a piece from the original and that developer can't develop for two years.)



Access: I would suggest removing this all together. The county should be limited in their authority over State and Private roads, period.

* I think that considerations should be made for "Private Roads" and "Private Drives" and "Private Driveways", as well as State maintained roads in the wording. If this state issues the permit for single family residential use, why is the county getting in the way?

* I think this Access issue should possibly be restricted to Condo /Townhomes /Apartments and Major Subdivisions.

* Surveyors use the language on their survey...

"-Private Drive, shown on this plat SHALL be a private access not owned, maintained, or supervised by Oconee County and not constructed pursuant to any plan for future acceptance by Oconee County. All easements and right-of-ways shown upon this plat Shall not be accepted for maintenance by Oconee County at any time in the future, unless constructed as a Public Road in accordance with the Oconee County ordinances."

If a surveyor includes this language, then I don't think it's the right of the County to tell an owner what dwelling structures they can and can't privately put on their land.

* According to the current language, if there are three owners on one drive, none of the owners can have a second dwelling structure on their property. THIS IS NOT OK and should be strongly considered when wording the ordinance.

Problem to address and need for Minor Subdivision as I understand it...

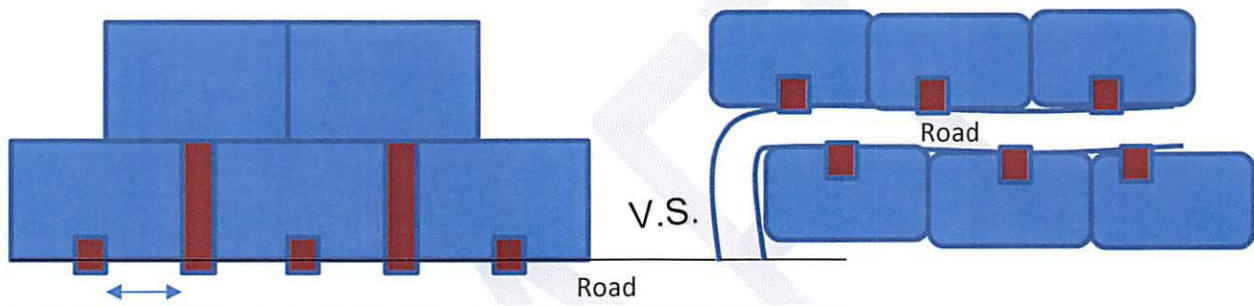
It is my understanding the intent it to stop Developers from cutting corners on roads, which would negatively impact an area. "Roads" and "Developers" being the subject.

However, our definition and this document does not specifically address the Developer and actually can affect anyone and everyone for unexpected reasons.

ISSUE #1

Exhibit A...

This would be an example of what has been described as a problem from developers.



The first sample might be bad if this were $\frac{1}{2}$ acre lots. However, the document being discussed does not differentiate by density. For example, if the first example were 10 to 20 acre parcels where the drives were at a significant distance away, as much of our county is, what is the harm in an owner separating out parcels for their kids. This current document, if I'm reading it correctly, could prevent a large parcel owner from giving land to their family without potentially having to build a road to access the existing road.

ISSUE #2

The Definition in our document A Minor Subdivision is the division of property **and/or the creation of new dwelling units** up to 10 in number.

"Dwelling Units" has been described and defined as ... meaning one or more rooms connected together and constituting a separate, independent housekeeping establishment, with provisions for cooking, eating and sleeping, and physically set apart from any other rooms or dwelling units in the same structure.

Examples could include:

-Pool House that contains a bathroom, and bar area, where the bar includes a sink and outdoor cooking area.

- Tack Room or field hand quarters in the barn. Have you ever looked up Tack Room, you could often live in one full time. But for our example, if you have a bathroom, and a sink/coffee/hotplate, and a bunk for waiting for a fold to be birthed, you are at risk of having a Dwelling Unit.

- Separate Mother-in-law apartment in the lower level living area of a home.

- Garage apartment.

- Man Cave

- Guesthouse

- or simply selling off a section of land to family or otherwise.

Under our use and definition, a land owner with any significant acreage who believes themselves to be able to do what they want on their own land, might be subject to constructing a new driveway/roadway, simply because they want to want to add a pool and pool house, or any other feature which would create a "Dwelling Unit".

Exhibit B...

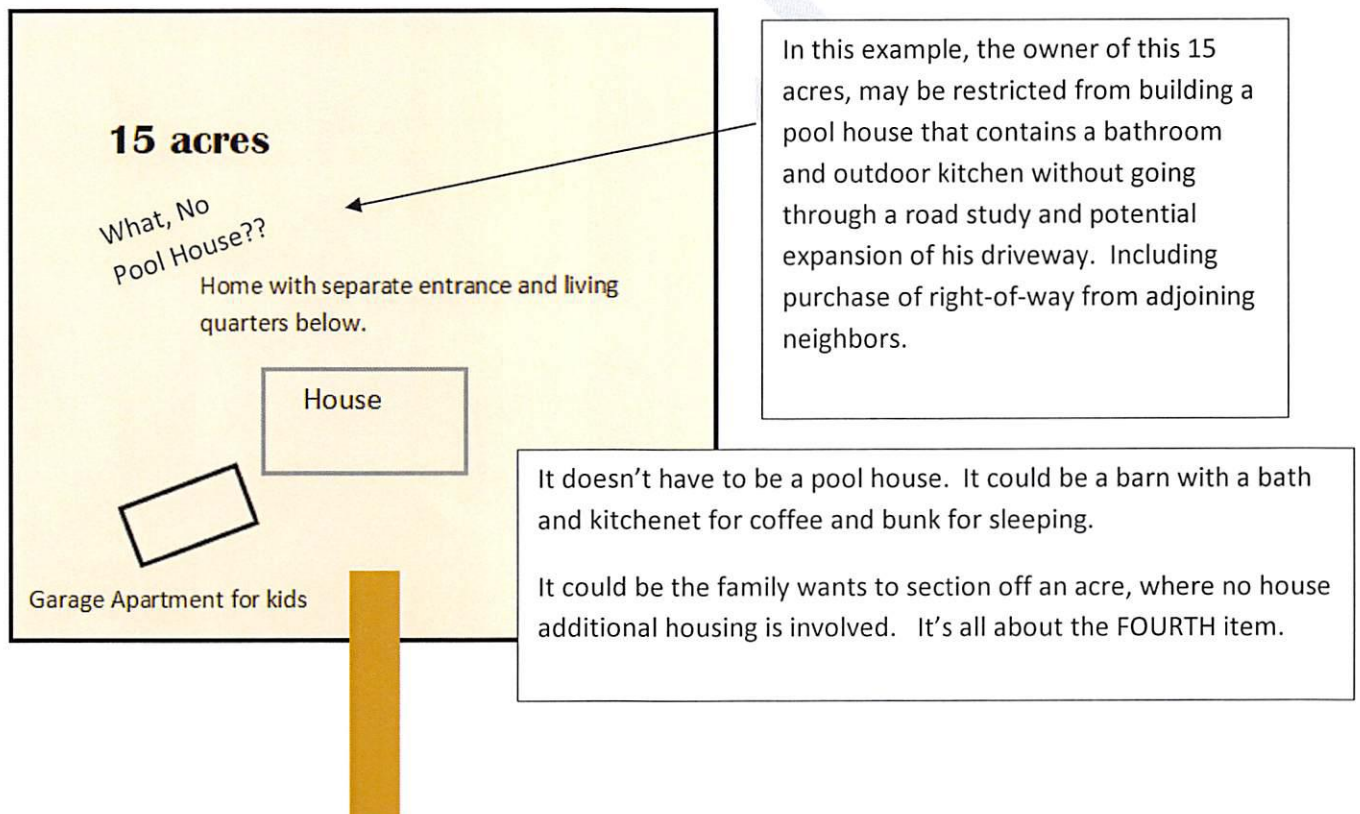
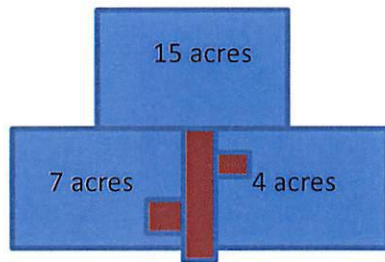


Exhibit C...



Using the original example, considering 10 /20 acre land tracts, potentially none of these owners could subdivide, or add a livable structure to their land if all three used the common drive without potentially having to purchase, a road easement from neighbors, do a road study, potentially build a new wider road, etc.

This ordinance could create a real hardship for a family, financially preventing them from sectioning off a parcel to give to their child, even though the child had been living at home and the traffic count doesn't change.

According to Oconee County Ordinance 2013-16

Private **Driveways** shall have no more than three residential dwellings. If we add the term "Dwelling Units", could this alter the interpretation of the ordinance.

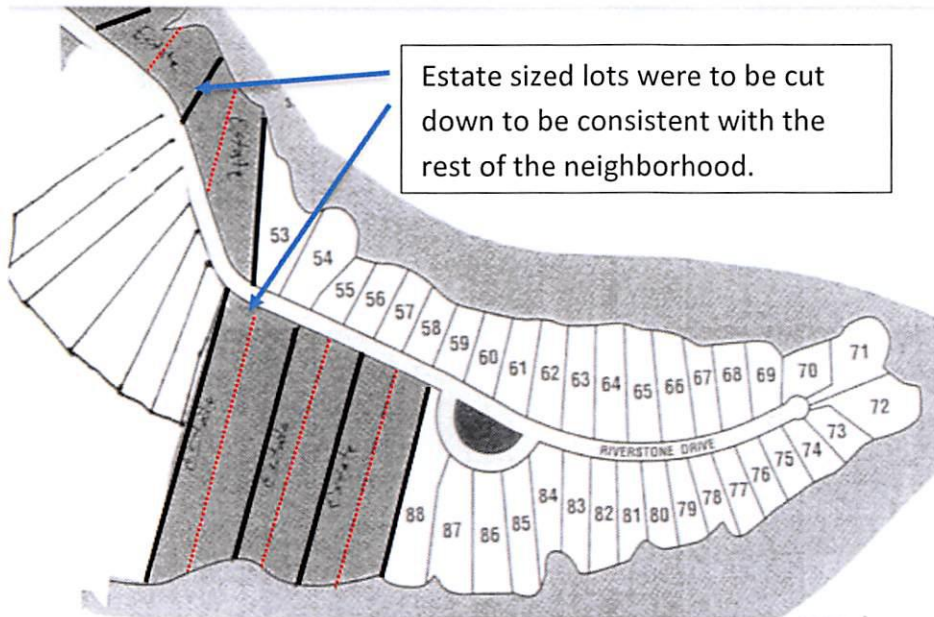
(Anything over 3 lots or three "Dwelling" structures changes everything. You must now have a Private DRIVE as a minimum.)

Private DRIVE shall meet the following standards:

- 1) Serve no more than 10 lots or dwellings.
- 2) Have a minimum road right-of-way of 50'
- 3) Have an encroachment permit from either county or state.
- 4) Have a drivable surface of 20' with at least 5" of crushed stone.
- 5) Documentation from an engineer certifying weight limit of bridges and culverts.
- 6) If a culvert is over a perennial stream there must be appropriate signage showing weight loads.
- 7) Have 100 feet of sight distance for every 10 miles in speed where drive intersects public road. (State DOT might be different)
- 8) Drive shall meet all storm water management and sediment control regulations.
- 9) Be approved in writing by the planning commission.

Issue #3

Exhibit D...



In this real-life example, an owner of 12 lots in a neighborhood with over 100+ lots total, wanted to subdivide his “estate sized lots” of 4+ acres each, to 2+ acre lots to be more consistent with the rest of the neighborhood. Each of 5 lots with over 200’ of road frontage, were to be subdivided in half. This was a 100+ lot community approved by the county with roads that met or exceeded county standards. The HOA restrictions explicitly allowed for this provision on these 5 lots.

Had this policy been in place and these lots submitted as a total project, the county would or could require the owner to go through the expense and hardship of a road study, storm water study, culvert evaluation, etc. on something the county had already approved over 10 years old.

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Manufactured Home/ Mobile Home Park ordinances from:

- Greenville County (GV)
- Hart County (HC)
- Anderson County (AC)

1. Definition :

GV:

Manufactured Home Park - Any lot or parcel of land maintained, offered, or used for parking of 3 or more manufactured homes used or intended to be used for living or sleeping purposes regardless of whether or not a charge is made for such accommodations.

HC:

Mobile/manufactured home park means premises where two or more mobile and/or manufactured homes are placed for a period of time exceeding 30 days, or where spaces or lots are set aside and offered for rent for use by mobile or manufactured homes; however, the following situations shall not be included in this definition:

(1) Mobile or manufactured homes sales lots;

(2) Where two or more mobile or manufactured homes are structurally connected and used as a single dwelling unit by a landowner; or

(3) Where the occupant of the home is related by blood or marriage to the owner of the land or home and the owner of the home or land upon which the home is situated receives no rent or other income from the occupant of the home. (Staff note: Hart County requires an affidavit be signed by the applicant regarding familial ties and rent. This could be utilized for minor subdivisions staying within families, as well.)

AC:

Mobile home park means any parcel of land two acres or more in size being used for the purpose of supplying space on a rental or lease basis for two or more mobile homes and which may include buildings, structures, vehicles or enclosures used or intended for use as part of such mobile home park.

Land subdivided and subsequently sold for the purpose of siting mobile homes is not considered a mobile home park under this article.

2. Minimum lot size/ Density :

GV : none

HC : 5 acres - 25 acres , minimum 200' of road frontage

AC : 2 acres -4per acre (septic) 10 per acre (sewer)

3. Open Space requirement:

GV: Recreation space of not less than 200 square feet of usable land for each manufactured home site shall be provided in the manufactured home park. For purposes of this section, "Usable Open Space" shall be construed to mean parks, open space, and recreation amenities such as clubhouse, swimming pool, or similar improvements. Additionally, a play area shall be provided of no less than 400 square feet.

HC: Recreational and other community facilities. For mobile/manufactured home parks having 15 acres or 20 lots, not less than ten percent of the total area shall be devoted to recreation and other community use facilities.

AC: none

4. Parking:

GV: 2 spaces for each manufactured home, 1 space for each park site employee.

HC: 2 off street

AC: A minimum of two off-street parking spaces shall be provided for each mobile home. Where roadside parking is proposed the following road bed shall be provided: a. Parallel parking one side, road width 24 feet; b. Parallel parking both sides, road width 28 feet.

5. Spacing:

GV:

HC: none

AC : Mobile home interior lots. Each mobile home lot shall have a minimum of 4,000 square feet and be a minimum of 45 feet wide when on public sewer

6. **Electricity :**

GV/HC/AC : none

7. **Supervision:**

GV: The operator of each manufactured home park shall comply with all DHEC rules and regulations governing the sanitation and operation of manufactured home parks.

HC: Park manager. Mobile home parks with ten or more mobile homes shall have a park manager responsible for maintenance of the park and its mobile homes, including ensuring compliance with the requirements of this article. Register of park residents required. Park management/operators must maintain at all times an up-to-date register of all park residents. This register must be made available to any authorized person.

AC: The person to whom a permit for a mobile home park is issued shall at all times operate the park in compliance with these regulations.

8. **Roads :**

GV; All manufactured home sites shall have access to an interior drive having a paved surface not less than 20 feet in width with a 5-foot right-of-way on each side. Drives with parallel parking on one side shall have a paved surface of 28 feet with a 5-foot right-of-way on each side.

HC: County standards

AC: No mobile home in a mobile home park shall have direct access to a public street or highway. All mobile home lots shall have access to an interior roadway.

9. **Submittal :**

GV/HC/AC : General site plan requirements.

10. **Other** _____

HC *Use by recreational vehicles limited.* Ten percent of the lot spaces may be allocated for temporary use by recreational vehicles. The length of such use is to be limited to 14 days in any 60-day period by the same vehicle.

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Possible R.V. Park Parameters.

- Greenville County - G.V.
- Hart County - H.C.
- Aiken County - A.C.

1. Definition:

G.V. : Any lot of land upon which 2 or more recreational vehicle sites are located, established, or maintained for occupancy as temporary living quarters for purposes of recreation or vacation. This term does not include any premises on which unoccupied recreational vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.

H.C. : none

A.C. : none

2. Density/ lot size :

G.V.: 690sf per R.V.

H.C. : The minimum area for such park shall be ten acres, and the maximum density of such park shall be seven units per gross acre. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 50 feet of the right-of-way line of any public street or state highway.

A.C. The site shall contain at least two (2) acres and shall have a minimum of fifty (50) feet of street frontage on a public road or have a fifty-foot wide deeded ingress/egress easement to a public road. Twelve (12) vehicles or campsites per acre.

3. Open Space / Amenities permitted/ requirement:

G.V. : Uses permitted within a recreational vehicle park shall include: recreational vehicle sites, recreation facilities, common buildings and facilities (laundry, dining, parking, etc.), and management offices (which may include living quarters for the operator or manager of the park).

H.C. none

A.C. : The site shall be developed in a manner that preserves natural features and landscape, of which not less than twenty (20) percent shall be set aside and maintained as common open space. For campground and RV

parks located on parcels smaller than five (5) acres in size: Type 3 or greater planted bufferyard on all side and rear property lines, except for along railroad tracks, rivers, and creeks as long as not residential structures are located on the adjoining property.

4. **Parking:**

G.V. : "Adequate"

H.C. : Off street / not in ROW

A.C.: areas designated for parking and loading or for traffic-ways shall be physically separated from public streets by suitable barriers.

5. **Spacing:**

G.V. : 10'

H.C.: none

A.C. none

Utilities :

G.V. Each travel trailer or recreational vehicle area shall be attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. These trailers or vehicles shall be connected to an approved water supply system that provides an accessible, adequate, safe, and potable supply of water. An adequate and safe sewer system, approved by DHEC, shall be provided in all travel trailer/ recreational vehicle parking areas.

H.C.: none

A.C: none

Supervision:

G.V. none

H.C. Management headquarters, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as an accessory use provided:

a. Such establishments and the parking areas primarily related to their operations shall not occupy more than ten percent of the area of the park.

b. Such establishments shall be restricted in their use to occupants of the park and shall present no visible evidence of their commercial character that would attract customers other than occupants of the park.

A.C. none

6. **Roads** : Build to public/private standards

G.V. Private Standards

H.C. Private

A.C. : All streets within camps and RV parks shall be private and not publicly owned and/or maintained.

7. **Submittal** : As a subdivision (minor or major)

8. **Other**_____

G.V. Recreational vehicles must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on wheels or a jacking system.

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