

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

COMMISSION MEMBERS

Mike Smith, District I

Alex Vassey, District III

Gary Gaulin, Vice-Chairman, District V

Pat Williams, At-Large

David Nix, District II

Frankie Pearson, Chairman, District IV

Mike Johnson, At-Large

AGENDA

5:00 pm, Monday, August 15, 2022

Council Chambers - Oconee County 415 S Pine St, Walhalla SC 29691

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of minutes from August 1, 2022
5. Public Comment for Non-Agenda Items (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Curb Cut/ Aux Lane Ordinance Revision (HWY 123)
 - a. Public comment
 - b. Discussion/ vote
9. Sidewalk allowed in right-of-Way
 - a. Public comment
 - b. Discussion/ vote
10. Subdivision subcommittee- development standards
 - a. Public Comment
 - b. Discussion/ vote
11. Junkyards
 - a. Public Comment
 - b. Discussion/ vote
12. Adjourn

If you are not able to attend in person and you have a comment, you may submit it by contacting the Planning Department at planninginfo@oconeesc.com or 864-638-4218, so that we may receive your comment and read it into the record. Meetings available on YouTube: "YourOconee"

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

Minutes

5:00 pm- Monday, August 1, 2022

Council Chambers - Oconee County Administrative Complex

Members

Gary Gaulin
Mike Johnson
David Nix
Frankie Pearson

Mike Smith
Alex Vassey
Pat Williams

Staff Present

James Coley, Planning Director
Elise Dunaway, Assistant to Planning & Codes
Vivian Kompier, Senior Planner

Media Present – Lauren Price, The Journal

1. Call to order – Mr. Pearson called meeting to order at 5:00 PM.
2. Invocation was led by Mr. Gaulin.
3. Pledge of Allegiance was led by Mr. Smith.
4. Approval of minutes from July 7, 2022 – Mr. Pearson moved to approve the minutes; seconded by Mr. Gaulin. Approved unanimously 7/0.
5. Public comment (non-agenda items):
Mr. Ken Charles spoke regarding the building in reference to emergency services specifically fire trucks and the width of the roads to accommodate all engines.
6. Commission member comments
Mr. Smith spoke about affordable and attainable housing referencing information in the back up material. Discussion followed.
7. Staff comments: None
8. Building Moratorium
 - a. Public Comment: None
 - b. Discussion/Vote:
Mr. Root mentioned the Planning commission wouldn't have the authority to issue a building moratorium, County Council would by ordinance process. Mr. Root encouraged the members

to discuss a “why”, “how”, and a “purpose” for the building moratorium. Discussion followed.

9. Right-of-Way

a. Public comment:

Mr. Robert Thomas expressed his concern regarding the elimination of his privacy on his road as well as the privacy of others in the county in the same position.

Ms. Teresa Spicer commented on the private road definition, the Waterside Crossing HOA request to the BZA for the county to adopt some of their roads as she could not find the information online. Ms. Spicer also expressed her concern on the county right-of-way/easements in certain subdivisions and opposed any change to ordinance 26-2.

Ms. Serena Richardson commented on her concern of Oconee county road safety and opposed a change to ordinance 26-2.

Mr. Coley read all 25 emails that were received by citizens in favor of keeping the 26-2 ordinance in place.

b. Discussion/Vote:

Fire Marshal Mr. Scott Krein stated the fire department needs a minimum 30' ROW (5' on either side of the road surface) for any safety and maintenance concerns and that the fire department does not need the full 50' ROW. Discussion followed.

Mr. Kyle Reid from Roads and Bridges stated that his job was to maintain Public Roads, but that there were occasions for dealing with issues on Private Roads and that he needed the 50 feet. Foliage maintenance was a big issue and he was often reacting to calls & needs from the Fire Marshal. Kyle said he needed to be able to trim trees 13.5" vertically and a minimum of 3 feet back from the edge of the road. Discussion followed.

Mr. Smith moved that the planning commission take no further action to amend ordinance 26-2 and that the planning director advise the Transportation Committee of this action at their next meeting. Seconded by Mr. Gaulin. Approved 4/3. Mr. Pearson, Mr. Johnson, and Mr. Nix opposed.

10. Subdivision Subcommittee – Development Standards

a. Public comment:

Mr. Tom Markovich commented on housing cost and affordable living within Oconee County.

b. Discussion/Vote: None

11. Adjourn – The meeting was unanimously adjourned at 7:07PM.

Year 2015

Application #	Lots/ Units	Acres
1	12	4
2	33	6
3	43	6
4	84	73.7
5	30	6
6	Expired	
7	9	6.77
	211	102.47

Year 2016

Application #	Lots/ Units	Acres
1	85	179.3
2	96	145
3	Withdrawn	
4	29	30.69
	210	354.99

Year 2017

Application #	Lots/ Units	Acres
1	150	297
2	10	10.77
3	?	
4	Void	
5	9	11.99
	169	319.76

Year 2018

Application #	Lots/ Units	Acres
1	10	9.07
2	Expired	
3	Void	
4	12	11.22
5	?	
6	22	22
7	?	
8	7	4.19
	51	46.48

Year 2019

	Application #	Lots/ Units	Acres
	1	Void	
	2	Void	
	3	Void	
	4	Void	
	5	?	
	6	5	5.35
	7	Void	
	8	6	13.7
	9	9	18.07
MF	10	740	6.83
	11	10	40.19
	12	4	1.08
	13	39	44.23
	14	3	3.59
	15	Withdrawn	
	16	Withdrawn	
	17	Void	
MH	18	16	4.147
	19	Void	
	20	15	66.5
		847	203.687

Year 2020

Application #	Lots/ Units	Acres
1	Subdivision roads	
2	Withdrawn	
3	Withdrawn	
4	Withdrawn	
5	9	13.32
6	20	15.8
7	11	6.62
8	Void	
9	68	25.1
10	12	3
11	8	49.06
12	6	6.7
13	Duplicate	
14	34	2.04
15	3	2.76
16	12	4.35
17	11	18.23
18	3	4.65
19	Void	
20	7	5.62
21	Denied	
22	19	15.81
23	8	5.5

231 178.56

Year 2021

Application #	Lots/ Units	Acres
1	79	43.17
2	9	95
3	9	6.21
4	4	6.14
5	5	2.65
6	4	12
7	Void	
8	3	46.95
9	4	13.62
10	5	20.06
11	50	25.73
12	Denied	
13	119	79.67
14	79	44.16
15	5	2.65
16	9	64.83
17	6	71.8
18	175	78.31
19	35	72
20	22	20.56
21	176	57.88
22	14	69.3
23	14	37.35
24	337	50.87
25	10	32
26	7	30.31

1180 983.22

Year 2022

Application #	Lots/ Units	Acres
1	25	83.8
2	25	38.6
3	126	64.98
4	207	161
5	Duplicate	
6	7	5.47
7	35	138.2
8	Invalid	
9	26	83.8
10	26	62.48
11	5	7.38
12	35	137.47
13	Duplicate	
14	232	54.93
15	70	59.7
16	14	37.5
17	122	34.67
18	9	5
	964	974.98

Sec.32-222 Preliminary plan and supporting data

A. Submittal requirements

10. Properties with road frontage on US HWY 123 (from the Oconee/ Pickens County line, 34.69288, -82.85522 to the City of Seneca municipal boundary, 34.69934, -82.93239) shall submit to, and receive approvals from, South Carolina Department of Transportation prior to final approvals from Oconee County Planning Department. All SCDOT comments shall be incorporated in the plan submitted to the County. Design priorities should include connecting parking areas and limiting curb cuts through the HWY 123 Corridor.

Chapter 26-3(q)

Sidewalks are only permitted in County right-of-ways when they meet the following conditions:

1. A financially responsible entity, as determined by the County in its sole discretion (the “Responsible Entity”), agrees to perform necessary maintenance and repair to the sidewalk and accepts all real and potential liability arising from the existence and use of the sidewalk. The Responsible Entity must, prior to sidewalk construction, enter into an agreement with the County that establishes the Responsible Entity’s maintenance, repair, and liability obligations. These obligations will include the duty to defend and hold the County harmless from any damages or claims for damages in any way related to sidewalk construction, maintenance, and repair.
2. The sidewalk shall be designed by a professional engineer, licensed in the State of South Carolina, to meet the most recent applicable South Carolina Department of Transportation (“SCDOT”) minimum standards and be in a form consistent with all applicable SCDOT Standard Drawings. The sidewalk shall be constructed in strict compliance with the approved design. Sidewalk design and construction must be timely submitted for approval by appropriate County personnel.
3. Necessary maintenance and repair of the sidewalk will be performed expeditiously and in a manner consistent with the most recent applicable SCDOT minimum design standards and Standard Drawings.

Chapter 26-3(r)

Sidewalks are only permitted in private right-of-way when they meet the following conditions:

1. A financially responsible entity, as determined by the County in its sole discretion (the “Responsible Entity”), agrees to perform necessary maintenance and repair to the sidewalk and accepts all real and potential liability arising from the existence and use of the sidewalk.
2. The sidewalk shall be designed by a professional engineer, licensed in the State of South Carolina, to meet the most recent applicable South Carolina Department of Transportation (“SCDOT”) minimum standards and be in a form consistent with all applicable SCDOT Standard Drawings. The sidewalk shall be constructed in strict compliance with the approved design. Sidewalk design and construction must be timely submitted for approval by appropriate County personnel.
3. The final plat submitted for approval and recordation must include the following:

"THE SIDEWALK LOCATED IN THE RIGHT-OF-WAY SHOWN ON THIS PLAT SHALL BE PRIVATE, NOT OWNED, MAINTAINED, OR OVERSEEN BY OCONEE COUNTY, AND NOT CONSTRUCTED PURSUANT TO ANY PLAN FOR FUTURE

ACCEPTANCE BY OCONEE COUNTY. SIDEWALKS IN RIGHT-OF-WAYS SHOWN UPON THIS PLAT SHALL NOT BE ACCEPTED FOR MAINTENANCE BY OCONEE COUNTY AT ANY TIME IN THE FUTURE. MAINTENANCE OF THE SIDEWALK SHALL BE THE RESPONSIBILITY OF _____."

4. Necessary maintenance and repair of the sidewalk will be performed expeditiously and in a manner consistent with the most recent applicable SCDOT minimum design standards and Standard Drawings.

DRAFT





FYI- there are currently NO single family 3 bedroom / 2 bathroom homes for less than \$200k in Oconee county that are for sale (at least not Active in the MLS at the moment).

Only six 3/2 single family homes b/w \$200k-\$250k in OC.

There are eighteen 3/2 single family homes b/w \$250k-\$300k in OC.

The new average first time home buyer price point is now \$250k+.

ARTICLE III. JUNKYARDS¹

Sec. 10-71. Findings.

The county finds that junkyards:

- (1) Provide a necessary service to the county residents;
- (2) Contribute to the economy and tax base of the county;
- (3) Pose a potential hazard to the health, safety, and general welfare of the citizens of the county;
- (4) Depreciate the value of surrounding property;
- (5) Are a breeding ground for mosquitoes or other insects, snakes, rats and other pests;
- (6) Pose a potential threat of injury to children and other individuals who may be attracted to the premises;
- (7) Are a visual blight and are depreciative to the aesthetic quality of the environment of the county.

(Ord. No. 297, § 1, 10-1-2001)

Sec. 10-72. Purpose.

- (a) The purpose of this article is to provide for the regulation of existing and proposed junkyards under the development standards ordinance. Such uses may only be established and operated in the county if they do not constitute a hazard to the health and welfare of the people, inclusive of attracting vermin, or causing disease, public nuisance, fire hazard, or blight or adversely affecting environmental conditions.
- (b) S.C. Code 1976, § 6-29-710 gives to counties the authority to adopt regulations. In order to accomplish these purposes, the county council enacts the following regulations with respect to junkyards.
- (c) It shall be unlawful for any person, corporation or other business entity to maintain a junkyard except pursuant to the provisions of this article.

(Ord. No. 297, § 2, 10-1-2001)

Sec. 10-73. Definitions.

As used in this article, the following terms shall have the meanings given below:

Commercial junk shall mean items for resale or more than five junked vehicles stored on a tract of land.

Fence shall mean a substantial, continuous barrier aesthetically constructed and extending from the surface of the ground to a uniform height of not less than six feet. The finished side of the fence shall face the public and

¹Editor's note(s)—Ord. No. 297, adopted Oct. 1, 2001, repealed the former Art. III and enacted a new article as set out herein. The former Art. III, §§ 10-71-10-75, pertained to similar subject matter and derived from Ord. No. 164, §§ 1—4, 6, adopted Nov. 5, 1990.

be constructed of treated lumber, stockade, masonry, chain link or other approved material. Fabric fences shall be not allowed.

Junk shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, or tires, waste, junked, dismantled or wrecked motor vehicles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous metal. The term junk shall include, but not be limited to, abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment, machinery being salvaged for parts, appliances, motors, industrial or commercial fixtures, or parts thereof.

Junked or abandoned vehicle shall mean any vehicle without a current and valid license plate which is not moved or subject to physical repair or restoration for a period in excess of 90 days. An inoperable wrecked vehicle with a current license plate shall also be considered a junked vehicle.

Junkyard shall mean any location, including a residential area, establishment, or place of business that is maintained, operated, or used for storing junk. The term shall not include county operated or approved and permitted sanitary landfills. Yard sales of 48 hours' duration or less shall be exempt from the provisions of this article.

Local street shall mean a minor local street is one designed primarily to access abutting properties. This street normally terminates in a cul-de-sac, loop or other turnaround, with no more than two access points.

Lot of record shall mean a lot or parcel of land, the plat or deed of which has been recorded prior to the adoption of this article.

Major local street shall mean a major local street is one designed primarily to access abutting properties. This street is characterized as one having two or more access points, and receiving traffic from minor local streets.

Nonconforming shall mean signs, structures, uses of land and characteristics of uses that are prohibited under the terms of this article, but were lawful on the date of the article's enactment.

Nonresidential use shall mean a principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

Public building shall mean any building owned, leased or held by the United States, the state, the county or any city, any special purpose district, or any other agency or political subdivision of the state or the United States, which building is used for governmental or other public purpose.

Re-inspection fee shall mean the fee assessed when a property fails the initial inspection and must be re-inspected at a later date.

Right-of-way (ROW) shall denote the limits of public road property. On county roads when there is no deeded right-of-way along a road or highway, the right-of-way shall be considered to be 25 feet from the centerline on each side.

Scenic highway/scenic byway shall mean a road or highway under federal, state or county jurisdiction that has been so designated through legislation ordinance other official declaration because of its scenic, historic, recreational, cultural, archeological, or natural qualities. An official declaration is an action taken by an individual, board, committee, or political subdivision acting with the granted authority on behalf of the federal, state or county government.

Setback shall refer to the required distance between a structure or building line and the nearest property line or right-of-way.

Temporary storage shall be defined as not exceeding 90 days, subject to state law, from the date possession or custody of the vehicle is obtained except when possession is pursuant to a court order.

Vegetation shall mean the following recommended shrubs/trees for hedge planting with planting distance, in feet, between plants and from fence:

Shrubs—Five feet apart	Trees—Seven feet apart
Red Tip Photinia	Eastern Red Cedar
Wax Leaf Ligustrum	Leyland Cypress
Burford Holly	Virginia Pine
Nellie R. Stevens Holly	Southern Magnolia
Carolina Cherry	White Pine
Wax Myrtle	Hemlock
American Holly	

Plants must be a minimum height of three feet when planted and reach a height at maturity of not less than eight feet.

Wrecker, towing and impoundment service shall mean an establishment or place of business that provides towing or temporary storage services for currently licensed and currently registered vehicles that have been wrecked or repossessed, or whose possession is by virtue of court order, a copy of which is in the possession of the proprietor of such service or affixed to the vehicle.

(Ord. No. 297, § 3, 10-1-2001; Ord. No. 492, 8-17-2015)

Sec. 10-74. Regulation of commercial junkyards.

- (a) Every commercial junkyard shall be situated on suitable terrain so that the fence and vegetation hides the view of all junk from public roads and private property. Every junkyard must be enclosed on all sides by a fence not less than six feet in height. The fence and vegetation required herein shall be constructed and planted such that the junkyard is protected from children or other trespassers and is hidden from view. The vegetation shall be located on outside of the fence and shall be as near the fence as practical. The vegetation shall be planted evenly spaced with each plant in close proximity to the other so that an unbroken, continuous hedgerow shall exist at maturity. Any vegetation that dies shall be replaced within 60 days.
- (b) Each junkyard fence shall be set back:
 - (1) Two hundred fifty feet from all U.S. or S.C. highway rights-of-way.
 - (2) One hundred twenty-five feet from the center of all county roads.
 - (3) One hundred feet from all property lines.
 - (4) One hundred feet from all waterways.
 - (5) One thousand feet from all designated scenic highways (SC state law requirement).
 - (6) One thousand feet from any federally designated heritage corridor.
- (c) No junkyard shall be located within 1,000 feet of a church, school, daycare center, nursing home, health care facility, hospital, public building or public recreation facility.
- (d) Access to a junkyard shall not be allowed from a minor local street. The terms minor and major are defined in the county development standards ordinance.
- (e) Every junkyard operator shall conduct all business within the fenced area of their property. The buffer area, if any, located between the property line of the adjoining property and the junkyard shall be maintained in a clean manner and shall not be used for loading or unloading junk.

(Ord. No. 297, § 4, 10-1-2001)

Sec. 10-75. Existing nonconforming commercial junkyards in existence prior to the enactment of junkyard regulations on November 5, 1990.

- (a) Any existing nonconforming commercial junkyard holding a valid retail license for operation at its present location from the state department of revenue issued before November 5, 1990 shall be permitted the following deviations from this article:
 - (1) Beyond 150 feet from the right-of-way of a road, any boundary line may be enclosed with vegetation only pursuant to the requirements of the definition of "vegetation" in section 10-73.
 - (2) Shall be exempt from access restrictions in section 10-74(d).
 - (3) The fence and/or vegetation required herein shall be located not less than 20 feet from the right-of-way of a public road, and not less than 50 feet from a waterway, and as near the boundary line as practical on all other boundaries.
 - (4) No operator shall place, store or maintain junk less than five feet from the property line of a developed residential area, school, church, cemetery, or public property or within 20 feet of the right-of-way of a public road, or within 50 feet of a waterway.
- (b) No existing junkyard may expand without a proper permit. Any expansion shall conform to all provisions of this article and shall not be permitted the deviations listed above in section 10-75(a).
- (c) Notwithstanding the provisions for administration contained in section 10-77, this article is not intended to impose additional restrictions on the nonconforming portion of junkyards existing prior to November 5, 1990.
- (d) All applicable requirements to pre-November 5, 1990 junkyards must be met within 180 days of the effective date.

(Ord. No. 297, § 5, 10-1-2001)

Sec. 10-76. Standards for residential uses and commercial businesses which do not meet the definition of a junkyard in this article.

- (a) It shall be unlawful for any person, corporation or business entity to have upon its premises items of junk or abandoned vehicles unless:
 - (1) Each vehicle is covered with a car cover (tarps are not allowed) or stored in a totally enclosed building.
 - (2) All junk is to be out of view of all roads and adjacent properties.
- (b) All requirements of this article must be met within 180 days of the effective date.
- (c) This article shall not apply to any business storing five or fewer vehicles subject to valid garageman's liens as provided by state statute.
- (d) This article shall not apply to farm equipment located on property having an agriculture tax exemption.

(Ord. No. 297, § 6, 10-1-2001)

Sec. 10-77. Provisions for administration.

- (a) Permitting and licensing procedures. No person shall maintain a commercial junkyard except and unless the owner or operator shall have:

-
- (1) A retail license from the state department of revenue.
 - (2) A permit from SCDHEC for any septic tank upon the premises.
 - (3) A certificate of compliance and approved site plan from the county planning department pursuant to the county development standards ordinance.
 - (4) A street number authorized by the county E911 office.
 - (5) A valid junkyard permit from the county planning department.
- (b) Fees for required permits shall be established and published by the county council.
 - (c) The enforcement of this article shall be the responsibility of the code enforcement officer (employed by the county building codes department) in full cooperation with the county sheriff's department.
 - (d) Any applicant shall have the right to appeal a decision of the code enforcement officer to the county board of zoning appeals.
 - (e) Penalties for noncompliance. Any person, firm or corporation violating any provision of this article, after receiving written notice from the county code enforcement officer or his agent to correct such violation, shall be issued a uniform ordinance summons to appear before the county magistrate court if the violation is not corrected within 30 calendar days. The uniform ordinance summons must cite only one violation per summons and must contain, at a minimum, the following information:
 - (1) The name and address of the person or entity charged;
 - (2) The name and title of the issuing officer;
 - (3) The time, date and location of the hearing;
 - (4) A description of the ordinance the person or entity is charged with violating;
 - (5) The procedure to post bond; and
 - (6) Any other notice or warning otherwise required by law.

The uniform ordinance summons must be consecutively numbered. The ordinance summons shall be audited as part of the annual independent audit required in S.C. Code 1976, § 4-9-150, and a separate copy of each audit shall be furnished to the county administrator. Service of a uniform ordinance summons vests all magistrates' courts with jurisdiction to hear and dispose of the charge for which the uniform ordinance summons was issued and served.

The code enforcement officer who serves a uniform ordinance summons must allow the person served to proceed without first having to post bond or to appear before a magistrate. Acceptance of a uniform ordinance summons shall be deemed to constitute a person's recognizance to comply with the terms of the summons. The uniform ordinance summons may not be used to perform a custodial arrest.

Any person who fails to appear before the court as required by a uniform ordinance summons, without first having posted such bond, as may be required, or without having been granted a continuance by the court, is guilty of a misdemeanor and, upon conviction, may be fined not more than \$200.00 or imprisoned for not more than 30 days. Any law enforcement agency processing an arrest made pursuant to this subparagraph must furnish such information to the state law enforcement division as required by S.C. Code 1976, § 23-3-10 et seq.

(Ord. No. 297, § 7, 10-1-2001)

State law reference(s)—Authority of counties to adopt by ordinance the use of an ordinance summons for enforcement of county ordinances, S.C. Code 1976, § 56-7-80.

Secs. 10-78—10-111. Reserved.