

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

COMMISSION MEMBERS

Teresa Spicer, District I

David Nix, District II

Alex Vassey, District III

Frankie Pearson, Chairman, District IV

Gary Gaulin, Vice-Chairman, District V

Pat Williams, At-Large

Mike Johnson, At-Large

AGENDA

5:00 pm, Thursday January 19, 2023

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 January 5, 2023
5. Public Comment for Non-Agenda Items (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Discussion regarding South Carolina Freedom of Information Act with County Attorney
9. Discussion regarding draft Junkyard ordinance, receipt of comments from County Attorney
 - a. Public Comment
 - b. Discussion/ vote
10. 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- Thursday, January 5, 2022

Council Chambers - Oconee County Administrative Complex

Members

Gary Gaulin
Frankie Pearson
Mike Johnson
Pat Williams

Teresa Spicer
David Nix

Staff Present

James Coley, Planning Director
Elise Dunaway, Assistant to Planning & Codes

1. Call to order – Mr. Coley called meeting to order at 5:00 PM.
2. Invocation was led by Mr. Nix.
3. Pledge of Allegiance was led by Mr. Johnson.
4. Approval of minutes from December 5, 2022 – Mr. Pearson moved to approve the minutes; seconded by Mr. Nix. Approved unanimously 6/0
5. Election of Officers
Mrs. Spicer nominated Mr. Pearson for Chairman of the Planning Commission; seconded by Mr. Nix. Approved unanimously 6/0.

Mr. Pearson nominated Mr. Johnson for Vice Chairman of the Planning Commission; seconded by Mr. Nix. Approved unanimously 6/0.

Mr. Pearson nominated Mr. Coley as the secretary; seconded by Mr. Nix. Approved unanimously 6/0.
6. Approval of meeting calendar
Mr. Pearson moved to remove the meetings on 7/3/23 & 12/18/23 from the calendar, as well as add 1/4/2024 to the calendar. Seconded by Mr. Gaulin. Approved unanimously 6/0.
7. Public comment (non-agenda items):
None

8. Commission member comments:
Mr. Johnson commented he is looking forward to a productive year.

Mr. Gaulin commented on his interest in the Agricultural Task Force as well as advanced technology in the county – specifically drones. Mr. Gaulin affirmed his support for quality development in the county.. Mr. Gaulin read the Planning Commission purpose statement to the members which reads, “It is the function and duty of the county planning commission to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the county. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of the county.” Mr. Gaulin affirmed his support for the Sewer South project, an interest in staff from the OJRSA presenting to the Planning Commission.

Mr. Williams thanks Mr. Coley and Mr. Johnson for their assistance in the Christmas dinner for the Cattlemen’s association.

9. Staff comments:
Mr. Coley reminded the members to submit their paperwork to the Clerk to Council.
Mr. Root indicated he will attend the next meeting to review the Junkyard Ordinance that was sent to him. Mr. Coley reviewed the Model Rules of Parliamentary Procedures for South Carolina Counties.
10. Adjourn – The meeting was unanimously adjourned at 5:23 PM.

COMMERCIAL JUNKYARDS

Sec. 1. 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. Can 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. Can be a visual blight and depreciative to the aesthetic quality of the environment of the County.

Sec. 2. Purpose.

- (a) The purpose of this article is to provide for the regulation of existing and proposed Commercial 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 Commercial Junkyard except pursuant to the provisions of this article.

Sec. 3. Definitions.

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

Commercial junk shall mean items for resale and 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 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.

Junkyard means any land or area used, in whole or in part, for commercial storage and/or sale of waste paper, rags, scrap metal, parts, rope or other junk and including storage of inoperable vehicles, watercraft and machinery and/or dismantling of such vehicles or machinery. This definition does not include motor vehicles impoundment lots or tow yard or County operated or approved and permitted sanitary landfills.

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.

Sec 4. 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 Commercial 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 Commercial 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 Commercial 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 Commercial 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.
- (f) Each Commercial Junkyard shall apply to SC DHEC for a NPDES stormwater discharge permit
- (g) Each Commercial Junkyard shall comply with all applicable chapter of the standard fire prevention code and other pertinent requirements.

Sec. 5. Existing nonconforming commercial junkyards in existence prior to the enactment of Commercial Junkyard regulations.

- (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 **DATE** 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 3.
 - (2) Shall be exempt from access restrictions in section 4(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 10 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 approved application. Any expansion shall conform to all provisions of this article and shall not be permitted the deviations listed above in section 4(a).
- (c) Notwithstanding the provisions for administration contained in section 4, this article is not intended to impose additional restrictions on the nonconforming portion of junkyards existing prior to **DATE**
- (d) All applicable requirements to pre-**DATE** junkyards must be met within 1 year of the effective date.

Sec. 6. Provisions for administration.

- (a) No person shall maintain a Commercial Junkyard except and unless the owner or operator has an approved Commercial Junkyard Application from the County Planning Department.
 - 1. A Commercial Junkyard Application shall consist of:
 - i. An initial site plan showing all required items from Sec 4. (a-d)
 - ii. All appropriate permits from the state of South Carolina, SCDOT, SCDHEC, and any others
 - iii. A certificate of compliance prior to starting operations
- (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) 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.

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. 7. Reserved.