



OCONEE COUNTY PLANNING COMMISSION

415 S. Pine St. Room 212 | Walhalla, SC 29691
864.638.4218
OconeeSC.com

COMMISSION MEMBERS

Mike Johnson, Chairman, At-Large David Nix, Vice Chair, District 2
Teresa Spicer, District 1 Brit Adams, District 3
Vacant, District 4 Gary Gaulin, District 5
Mickey Haney, At-Large

AGENDA

6:00 pm, Thursday February 22, 2024
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 February 5, 2024
5. Public Comment for Non-Agenda Items (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Authorization of Elise Dunaway to endorse approved plats on behalf of the Planning Commission
 - a. Public Comment
 - b. Discussion/ vote
9. Discussion regarding a Commercial Junkyard Ordinance
 - a. Public Comment
 - b. Discussion/ vote
10. Adjourn



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STAFF

James Coley, Planning Director
Elise Dunaway, Planner I & Office Manager

MINUTES

6:00 pm, Monday, February 5, 2024
Council Chambers - Oconee County 415 S. Pine St, Walhalla SC 29691

1. Call to Order – Mr. Johnson called the meeting to order at 6:00 PM.
2. Invocation was led by Mr. Root
3. Pledge of Allegiance was led by Mr. Haney
4. Approval of minutes from January 4, 2024 – Mr. Nix made a motion to approve the minutes; Seconded by Mr. Adams. Approved unanimously.
5. Public Comment for Non-Agenda Items (4 minutes per person): N/A
6. Commission Member Comments:
Mr. Gaulin thanked Mr. Johnson for his efforts with the junkyard ordinance.
7. Staff Comments:
Mr. Coley presented the Habitat for Humanity and Friendship Valley subdivisions.
Mr. Coley reminded the member of the continuing education annual training. There will be ACOG Training provided with a date to be determined.
8. Review of Commission goals from 2023, and discussion regarding goals for 2024
 - a. Public Comment: N/A
 - b. Discussion / Vote:
Mr. Gaulin suggested adding AI and revisions of the comprehensive plan to the 2024 goals. He suggested inviting the Agricultural Advisory Board chair, Mrs. Kim Alexander to a Planning Commission meeting each quarter as well as growing a closer relationship with OJRSA. Mr. Gaulin also suggested inviting Mandolin Bright to speak at a future Planning Commission meeting.

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9. Discussion regarding a Commercial Junkyard Ordinance

a. Public Comment:

Tom Markovich voiced his concern regarding fences being considered a structure and placed within the setbacks.

b. Discussion / Vote:

Open discussion among members regarding the commercial junkyard ordinance.

6:36 Mr. Nix made a motion to adopt Mr. Johnson's draft of the junkyard ordinance and make edits to it in order to create a final draft; Seconded by Mr. Gaulin. Approved unanimously.

6:42 Mr. Nix made a motion to remove the definitions of major local street and minor local street from Section 32-573 and remove Section 32-754 item (d); Seconded by Mr. Haney. Motion approved 5/1. Ms. Spicer opposed.

7:11 Mr. Nix made a motion to remove the first and last sentences in Section 32-574 item (h); Seconded by Gaulin. Approved unanimously.

7:19 Ms. Spicer made a motion that the fence definition in Section 32-573 require the fence to be 8 feet to keep uniformity with the rest of the state. Motion failed due to lack of second.

7:21 Mr. Johnson made a motion to remove "... of at least five feet with the remaining top twelve inches of the same material or of barbed wire strand." from the definition of Fence in Section 32-573; Seconded by Mr. Nix. Approved unanimously.

7:22 Mr. Johnson made a motion to remove the redlined definition of Nonconforming in Section 32-573; Seconded by Mr. Nix. Approved unanimously.

7:38 Mr. Johnson made a motion to change Section 32-754 (b) from item (g) to item (e); Seconded by Mr. Haney. Approved unanimously.

7:49 Mr. Nix made a motion to change the wording of Section 32-755 (c) 4 to "More than one occurrence, within a period of one year, where the fire department and/or EMS is called out for and active fire or injury directly related to the business, other than heart attack, stroke, or other health related issues unrelated to the business."; Seconded by Ms. Spicer. Motion approved 5/1. Mr. Gaulin opposed.

Mr. Haney made an amendment to the motion to add "neglect" to Section 32-755 (c) 4. The amendment to the motion failed due to lack of second.

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7:58 Mr. Gaulin made a motion to change Section 32-755 (c) 2 to say “the storage or handling area reserved for *junk* is expanded by 1 or more acres”; Seconded by Ms. Spicer. Motion failed 1/5.

8:03 Mr. Haney made a motion to take a five minute break; Seconded by Mr. Nix. Approved unanimously.

8:10 Mr. Haney made a motion to remove Section 32-755 (c) 4 in total; Seconded by Mr. Gaulin.

8:12 Mr. Haney made an amendment to his motion to replace the current wording of Section 32-755 (c)4 with “A government if a government agency or a court of competent jurisdiction issues an order or other similar enforcement document finding a health or safety violation at the commercial junkyards which is the second such enforcement action at the junkyard within the past 12 months.”; Seconded by Mr. Adams. Approved unanimously.

8:16 Mr. Gaulin made a motion to have any grammatical errors corrected within the document; Seconded by Mr. Johnson. Approved unanimously.

8:19 Mr. Nix made a motion to remove Exhibit A; Seconded by Mr. Johnson. Approved unanimously.

8:20 Mr. Johnson made a motion that Mr. Root come back with the revised document at the next Planning Commission meeting; Seconded by Mr. Nix. Approved unanimously

10. Adjourn – The meeting was unanimously adjourned at 8:22PM.

Table 1. County Summary Highlights: 2022 (continued)

[For meaning of abbreviations and symbols, see introductory text.]

Item	McCormick	Marion	Marlboro	Newberry	Oconee	Orangeburg	Pickens
Farms number	107	112	155	555	778	764	742
Land in farms acres	16,789	45,976	78,300	110,964	61,599	230,111	41,842
Average size of farm acres	157	411	505	200	79	301	56
Median size of farm acres	90	59	135	84	37	90	23
Estimated market value of land and buildings:							
Average per farm dollars	504,557	1,177,182	1,389,981	777,852	592,607	991,166	514,109
Average per acre dollars	3,216	2,868	2,752	3,891	7,485	3,291	9,117
Estimated market value of all machinery and equipment \$1,000	8,852	16,481	48,890	52,934	64,342	171,179	41,505
Average per farm dollars	82,727	147,153	315,422	95,377	82,702	224,056	55,937
Farms by size:							
1 to 9 acres	9	8	13	45	88	55	121
10 to 49 acres	21	37	26	130	369	203	408
50 to 179 acres	45	33	51	228	242	241	173
180 to 499 acres	26	12	35	95	57	144	34
500 to 999 acres	4	6	8	41	19	60	5
1,000 acres or more	2	16	22	16	3	61	1
Total cropland farms	73	93	127	418	465	644	503
..... acres	3,703	31,300	52,509	37,774	17,182	142,257	12,631
Harvested cropland farms	51	79	88	357	395	482	406
..... acres	2,136	28,135	48,782	29,698	14,043	123,993	9,355
Irrigated land farms	4	13	21	40	44	183	54
..... acres	4	(D)	4,138	1,063	331	30,191	170
Market value of agricultural products sold \$1,000	1,423	22,514	85,849	217,205	192,869	303,730	8,433
Average per farm dollars	13,298	201,017	553,866	391,360	247,904	397,552	11,366
Crops, including nursery and greenhouse crops \$1,000	(D)	21,748	40,156	11,380	7,669	136,087	4,471
Livestock, poultry, and their products \$1,000	(D)	766	45,694	205,825	185,200	167,643	3,962
Farms by value of sales:							
Less than \$2,500	67	53	63	232	366	279	398
\$2,500 to \$4,999	10	10	13	77	85	69	146
\$5,000 to \$9,999	10	8	11	76	112	64	90
\$10,000 to \$24,999	10	11	2	65	88	77	55
\$25,000 to \$49,999	6	8	12	33	49	61	20
\$50,000 to \$99,999	2	2	11	11	13	35	17
\$100,000 or more	2	20	43	61	65	179	16
Government payments farms	2	43	48	24	23	182	10
..... \$1,000	(D)	915	1,173	175	817	2,966	58
Total income from farm-related sources farms	20	45	64	123	175	316	115
..... \$1,000	63	456	2,549	3,102	1,823	14,085	1,650
Total farm production expenses \$1,000	2,186	16,090	65,896	142,135	135,670	240,927	14,025
Average per farm dollars	20,432	143,663	425,139	256,099	174,383	315,349	18,902
Net cash farm income of the operations farms	107	112	155	555	778	764	742
..... \$1,000	-698	7,795	23,674	78,347	59,839	79,853	-3,884
Average per farm dollars	-6,525	69,597	152,736	141,166	76,914	104,520	-5,235
Livestock and poultry:							
Cattle and calves inventory farms	37	38	37	217	344	120	225
..... number	2,227	1,614	1,301	20,360	11,439	6,110	6,304
Beef cows farms	36	38	35	207	303	98	199
..... number	(D)	1,064	811	(D)	(D)	2,055	(D)
Milk cows farms	1	-	-	2	9	4	1
..... number	(D)	-	-	(D)	(D)	1,277	(D)
Cattle and calves sold farms	18	21	36	163	256	70	164
..... number	941	760	1,144	13,605	5,034	2,772	2,532
Hogs and pigs inventory farms	1	1	9	30	18	37	35
..... number	(D)	(D)	2,951	290	304	(D)	541
Hogs and pigs sold farms	-	3	3	13	21	26	26
..... number	-	(D)	(D)	233	946	34,383	432
Sheep and lambs inventory farms	4	12	8	21	13	14	35
..... number	72	236	66	450	202	424	519
Layers inventory farms	17	15	14	101	125	78	184
..... number	502	347	241	(D)	32,733	412,274	6,434
Broilers and other meat-type chickens sold farms	-	-	15	26	52	43	11
..... number	-	-	6,866,000	15,653,389	28,078,024	20,167,425	821
Selected crops harvested:							
Corn for grain farms	8	24	28	22	14	188	18
..... acres	(D)	7,088	11,000	1,000	1,310	34,228	570
..... bushels	(D)	926,682	1,277,835	69,711	81,052	4,345,544	50,793
Corn for silage or greenchop farms	-	-	-	9	2	4	1
..... acres	-	-	-	5,551	(D)	476	(D)
..... tons	-	-	-	69,990	(D)	8,693	(D)
Wheat for grain, all farms	1	11	10	20	14	20	8
..... acres	(D)	2,273	7,145	5,274	2,265	3,592	141
..... bushels	(D)	139,362	468,850	267,961	115,386	163,034	4,920
Other spring wheat for grain farms	-	-	-	-	-	-	-
..... acres	-	-	-	-	-	-	-
..... bushels	-	-	-	-	-	-	-
Winter wheat for grain farms	1	11	10	20	14	20	8
..... acres	(D)	2,273	7,145	5,274	2,265	3,592	141
..... bushels	(D)	139,362	468,850	267,961	115,386	163,034	4,920
Oats for grain farms	1	-	3	4	-	7	1
..... acres	(D)	-	69	224	-	518	(D)
..... bushels	(D)	-	5,785	21,332	-	22,794	(D)
Barley for grain farms	-	-	-	1	-	-	-
..... acres	-	-	-	(D)	-	-	-
..... bushels	-	-	-	(D)	-	-	-

--continued

CHAPTER 32

ARTICLE X. - COMMERCIAL JUNKYARDS

Sec. 32-751. - Findings.

The County finds that Commercial junkyards:

- a) Provide a necessary service to County residents; and
- b) Contribute to the economy and tax base of the County; yet
- c) Pose a potential hazard to the health, safety, and general welfare of the citizens of the County;
- d) Can depreciate the value of surrounding property;
- e) Can attract and harbor mosquitoes or other insects, snakes, rats, and other pests and vermin;
- f) Pose a potential threat of injury to children and other individuals who may be attracted to the premises; and
- g) Can be a visual blight and depreciative to the aesthetic quality of the environment of the County.

Sec. 32-752. - Purpose.

- a) The purpose of this Article is to provide for the regulation of existing and proposed Commercial junkyards under the Unified Performance Standards contained in Chapter 32 of the Oconee County Code of Ordinances.
- b) S.C. Code Sections 4-9-25 and 4-9-30 give Oconee County the authority to enact regulations, resolutions, and ordinances relating to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein. In order to accomplish these purposes, the County Council enacts these regulations with respect to Commercial 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. 32-573. - Definitions.

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

Commercial junkyard shall mean any land or area used, in whole or in part, as a business for storing, handling, or selling Junk. This definition does not include facilities which are an essential part of wrecker, towing, or impoundment services, or County-operated or approved and permitted sanitary landfills. Further excluded from this Article are temporary business operations such as garage or yard sales, which are related to a specific event of a limited time and limited duration.

Fence shall mean a substantial, continuous barrier constructed in a commercially appropriate and sound manner 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, woven wire, or other approved material. Fabric *Fences* shall be not allowed.

Junk shall mean, by way of example and not limitation: abandoned barrels or drums; dismantled or inoperable industrial or commercial equipment or machinery being salvaged for parts; and the following old, scrap, or used items: metal; rope; rags; batteries; tires; paper; cardboard; plastic; rubber; pallets; appliances; motors; industrial or commercial fixtures; rubbish and trash; debris; wrecked, dismantled, or disabled motor vehicles, watercraft, and aircraft, or parts thereof; and other old or scrap ferrous or nonferrous material.

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

Right-of-way shall denote the limits of public and private roads, including the full property interest or easement area thereof. On County roads, when there is no deeded *Right-of-way* or similar instrument governing road access and use, the *Right-of-way* shall include all portions of the road used for travel, maintenance, and support, and including all accessory structures and features.

Scenic highway/scenic byway shall mean a road or highway under federal, state, or County jurisdiction that has been so designated through legislation, ordinance, or 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 minimum distance, as established in this Article, between a *Fence* and the nearest property line, *Right-of-way*, body of water, *Scenic highway/scenic byway*, or heritage corridor.

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

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. 32-754. - Regulation of Commercial Junkyards.

- a) Every *Commercial junkyard* must be enclosed on all sides by a *Fence* that is not less than six feet in height. Commercially reasonable efforts, made in good faith and appropriate to the nature of the operation as carried out in a customary and safe manner, must be employed so that the *Fence*, along with adjacent vegetation (either existing or planted for these purposes), conceals the view of all *Junk* from public roads and private property. Further, the *Fence* shall be constructed and maintained so that the *Commercial junkyard* is protected from access by children, or other trespassers.
- b) Each *Commercial junkyard Fence* shall be *Setback* as follows:
 - (1) Subject to the provisions of S.C. Code Section 57-27-10, et seq. (the South

- Carolina “Junkyard Control Act”), two hundred and fifty feet from all *Rights-of-way* held by the federal or state government, including any agency thereof.
- (2) One hundred and twenty-five feet from the *Rights-of-way* of all County roads.
 - (3) One hundred feet from all property lines.
 - (4) One hundred feet from the ordinary high-water mark of all bodies of water, including, by way of example and not limitation, lakes, bays, ponds, rivers, streams, creeks, and reservoirs.
 - (5) Five hundred feet from all designated *Scenic highways*.
 - (6) Five hundred feet from any federally designated heritage corridor.

If more than one *Setback* requirement applies, the greater distance shall be enforced.

- 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) All *Junk* shall be stored within the *Fenced* area of the *Commercial junkyard*. The *Setback* area, being the area between the required *Fence* and the roadway, waterway, property line, etc., shall be maintained in a clean manner and shall not be used for storing, loading, or unloading *Junk*.
- e) Each *Commercial junkyard* shall apply to the South Carolina Department of Health and Environmental Control (DHEC) for an appropriate National Pollutant Discharge Elimination System (NPDES) permit, unless the applicant can show that an NPDES permit is not required by DHEC for the subject *Commercial junkyard*. The NPDES permit must be appropriately maintained during the course of operations.
- f) Each *Commercial junkyard* shall comply with all applicable chapters of the International Fire Code with South Carolina modifications, along with all applicable statutory and regulatory laws addressing the handling, storage, and disposal of hazardous waste, along with any applicable manufacturer’s instructions and industry standards.
- g) Electric vehicle batteries shall not be stored or handled at a *Commercial junkyard* unless such storage or handling is expressly permitted by, and such activity is done in strict compliance with, applicable hazardous waste regulations promulgated by the South Carolina Department of Health and Environmental Control (DHEC), or its successor agency, the United States Environmental Protection Agency (EPA), and any other entity of competent jurisdiction. Electric vehicle batteries are generally considered “Universal Waste” by the EPA and DHEC due to, among other factors, characteristics of ignitability and reactivity, and consequently must be carefully managed. Current DHEC regulations governing the handling of Universal Waste are located at S.C. Code Ann. Regs. 61-79.273.1, et seq.

Sec. 32-755. - Existing nonconforming Commercial Junkyards in existence prior to the enactment of these Commercial Junkyard regulations.

- (a) Any existing *Commercial junkyard* that can provide documentary proof of ongoing operations occurring prior to the date this Article is enacted has eight (8) months from the date this Article is enacted (“*Registration deadline*”) to register the *Commercial junkyard* with the County in order to obtain grandfathered status. The County will identify and track the subject property as a “*Commercial junkyard*.” [signage?]. Any existing *Commercial Junkyard* not registered by the *Registration deadline* will not obtain, and will lose, grandfathered status.

- (b) Any existing *Commercial junkyard* that is registered as an existing *Commercial Junkyard* by the *Registration deadline* shall be deemed a “*Nonconforming Commercial Junkyard*,” and shall be exempt from the requirements of Section 32-754 (a) through (d) of this Article. All *Commercial junkyards*, however, shall comply with Section 32-754 (e) through (g).
- (c) Any existing *Commercial junkyard* that is registered as an existing *Commercial junkyard* by the *Registration deadline* will be treated as a *Nonconforming Commercial junkyard*, unless or until one of the following conditions arise:
 - 1. Operations are abandoned for a period of twelve (12) months or more.
 - 2. The storage or handling area reserved for *Junk* is expanded by fifteen (15%) percent or more.
 - 3. Operations expand beyond the original footprint to cross a road, or drive, or driveway- which services non-related parcels, or expands into a separate parcel of land.
 - 4. A government agency or court of competent jurisdiction issues an order or similar enforcement document, finding a health or safety violation at the *Nonconforming Commercial junkyard*, which is the second such enforcement action at the *Nonconforming Commercial junkyard* within a twelve (12) month period.
- (d) Once a *Nonconforming Commercial junkyard* loses its grandfathered status as a result of a condition noted in Section 32-755 (a) and (c), it must comply with the terms of this Article and the following provisions from Section 32-754 shall apply:
 - 1. Section 32-754 (a) – Regarding Fencing. All *Fencing* requirements shall apply. The business shall have eighteen (18) months after losing grandfathered status to comply with the *fencing* requirements.
 - 2. Sections 32-754 (b) and (c) – Regarding Setbacks. All setbacks shall apply, unless the *Commercial junkyard* had existing setbacks of less than the Article requirements, at which point, no future expansion into, and in the direction of, the setbacks stated in this Article. [discuss]
 - 3. Section 32-754 (d) through (g) shall apply as written.

Sec. 32-756. - Provisions for administration.

- (a) No person shall maintain a *Commercial junkyard* except and unless the owner or operator has an approved *Commercial junkyard* Registration or Application, as appropriate to the nature of the operation, from the County Planning Department.
 - 1. A *Commercial junkyard* Application shall consist of:
 - i. A properly completed application form submitted to the County Planning Department. The County Planning Department shall furnish the application form.
 - ii. A site plan showing all required items from Section 32-754 (a) through (d).
 - iii. All necessary permits from governing federal, state, or local authorities.
 - iv. A certificate of compliance prior to starting operations.
 - 2. A *Nonconforming Commercial Junkyard* Registration shall consist of:
 - i. A properly completed registration form submitted to the County Planning Department. (Note the timing requirements established in Section 32-755(A), above.) The County Planning Department shall furnish the registration form.
 - ii. Provide a site plan showing the area being utilized as a commercial junkyard, the site plan will establish the boundaries of the commercial junkyard and will control future expansion.
- (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 County Planning Director or their designee.
- (d) Any applicant or other affected party shall have the right to appeal a decision of the Planning Director to the County Planning Commission.
- (e) Penalties for noncompliance. Any violation of this Article shall be a misdemeanor and, upon conviction, is punishable to the full extent of the jurisdictional limits of magistrate courts located in the County. Additionally, or alternatively, the County may pursue civil litigation to compel compliance, including the pursuit of injunctive relief, damages, and other available relief.

Sec. 32-757 through Sec. 32-800 - Reserved