OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

COMMISSION MEMBERS

Teresa Spicer, District I Brit Adams, District III Gary Gaulin, District V Mickey Haney, At-Large David Nix, District II Frankie Pearson, Chairman, District IV

Mike Johnson, Vice Chair, At-Large

AGENDA

6:00 pm, Monday October 16, 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 October 2, 2023
- 5. Public Comment for *Non-Agenda Items* (4 minutes per person)
- 6. Commission Member Comments
- 7. Staff Comments
- 8. Discussion of Comprehensive Plan Goals for 2023, chapters 11
 - a. Public Comment
 - b. Discussion/vote
- Rezoning request for Hidden Falls Subdivision phase 3, TMS 177-00-02-184, 177-00-02-227 from Control Free District, to Lake Residential
 - a. Public Comment
 - b. Discussion/vote
- 10. Discussion regarding Commercial Junkyard Ordinance
 - a. Public Comment
 - b. Discussion/vote
- 11. Discussion regarding state roads with Mr. Frederick K. Thompson of SCDOT
 - a. Public Comment
- 12. Adjourn

OCONEE COUNTY PLANNING COMMISSION

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Minutes

6:00 pm - Monday, October 2, 2023 Council Chambers - Oconee County Administrative Complex

Members

Teresa Spicer David Nix

Brit Adams Frankie Pearson

Gary Gaulin

Mike Johnson Mickey Haney

Staff Present

James Coley Kyle Reid

- 1. Call to order Mr. Pearson called meeting to order at 6:00 PM.
- 2. Invocation was led by Mr. Gaulin.
- 3. Pledge of Allegiance was led by Mrs. Spicer.
- 4. Mr. Nix made a motion to postpone item 8 on the agenda until the meeting on October 16, 2023. Seconded by Mr. Haney. Approved 7/0.
- 5. Approval of minutes from September 18, 2023 Mr. Nix made a motion to approve the minutes; seconded by Mr. Gaulin. Approved 7/0.
- 6. Public comment (non-agenda items):

Ms. Hannah Lowe expressed her concern regarding growth within the county.

7. Commission member comments:

Mr. Nix thanked the public for attending the meeting.

8. Staff comments:

Mr. Coley announced that SCDOT will be available to attend a meeting next month. He also announced Mr. Root has indicated he could potentially attend the meeting on October 16.

- 9. Discussion regarding County roads with Mr. Kyle Reid
 - a. Discussion:

Open discussion among Mr. Kyle Reid and members regarding the process of how road maintenance is prioritized, how roads level of service is determined, and how roads are assessed.

- Mr. Nix moves to allow a public comment. Seconded by Mr. Haney. Approved 7/0.
- 10. Adjourn The meeting was unanimously adjourned at 6:57 PM.



11. LAND USE

Goals/Objectives/Strategies	Accountable Agencies	Time Frame for Evaluation	Date Completed
Goal 11.1. Establish an efficient, equitable, and mutually co			
County's traditionally rural lifestyle, yet supports sustainab future growth and changes.	le economic development, pro	otects the environme	nt, and manages
Objective 11.1.1. Encourage development in a way that pro	tects and preserves the Count	y's natural	
resources.			
Strategy 11.1.1.1. Review and update existing land use	Oconee County	On-Going	
regulations as needed to facilitate development that preserves forests, prime agricultural lands, sensitive areas, and natural			
Goals/Objectives/Strategies	Accountable Agencies	Time Frame for Evaluation	Date Completed
Strategy 11.1.1.2. Explore ways to incorporate procedures, guidelines, requirements, and educational programs that will protect natural resources from incompatible or potentially harmful land uses without unduly limiting growth	Oconee County	On-Going	
Objective 11.1.2. Manage development in a manner that e	nsures the County's natural re	sources and lifestyle	enhance
sustainable economic prosperity while respecting private p		•	
Strategy 11.1.2.1. Utilize the zoning process to enhance development.	Oconee County	On-Going	
Strategy 11.1.2.2. Coordinate urban/suburban development in Oconee County to ensure adequate infrastructure is in place to support balanced growth in primary growth areas, while minimizing urban sprawl and protecting natural resources, prime agricultural lands, and sensitive areas.	Oconee County	On-Going	
Strategy 11.1.2.3. Review and consolidate land use regulations to improve clarity, remove duplication, ensure consistency, and streamline	Oconee County	On-Going	
Strategy 11.1.2.4. Use incentives, tools, and regulatory options for reducing and preventing conflict between incompatible land uses and	Oconee County	On-Going	
Strategy 11.1.2.5. Use corridor overlays, design guidelines, and performance standards to ensure the protection of the environment, community appearance, and property values while	Oconee County	On-Going	
Objective 11.1.3. Protect agricultural land through preserve mitigate higher density residential and commercial develop		lesigned to	
Strategy 11.1.3.2. Implement as feasible the incorporation of voluntary mechanisms such as the use of conservation easements, purchase of development rights, and transfer of development rights to preserve agricultural lands and environmentally sensitive areas.	Oconee County	On-Going	
Strategy 11.1.3.3. Utilize the zoning process to accommodate appropriate development as requested.	Oconee County	On-Going	
Objective 11.1.4. Address the changes and emerging needs use.	of areas transitioning to a mo	re intensive land	

Strategy 11.1.4.4. Continue to work with the OJRSA and other infrastructure providers on expansions to serve residents and businesses and provide opportunities for economic growth. Goals/Objectives/Strategies Strategy 11.1.4.5. Seek resources, plan for, and implement the innovative development and redevelopment of unincorporated areas such as Fair Play Oakway Newry and Ultica Strategy 11.1.4.6. Continue to seek new opportunities to coordinate, collaborate, and cooperate with municipalities, adjacent jurisdictions, and associated agencies and organizations. Objective 11.1.5. Enable and promote a range of housing chemical provides and content of the conte	Oconee County OJRSA Infrastructure providers Accountable Agencies Oconee County Municipalities Adjacent jurisdictions Agencies and organizations oices to meet the needs of re	On-Going Time Frame for Evaluation On-Going On-Going	Date Completed
of economic levels, age groups, and preferences. Strategy 11.1.5.1. Work with developers and other public and private agencies and organizations to encourage and enable development of affordable housing options to meet current and projected housing needs. Strategy 11.1.5.2. Work with developers and other public	Oconee County Developers Public and private agencies and organizations Oconee County	On-Going On-Going	
and private agencies and organizations to encourage and enable the redevelopment and revitalization of dilapidated and unsafe housing in declining residential areas. Strategy 11.1.5.3. Encourage new and innovative approaches to residential development that will expand	Developers Public and private agencies and organizations Oconee County	On-Going	
housing options. Objective 11.1.6. Expand and promote opportunities for reagreenspaces.	creation and access to natural	resources and	
Strategy 11.1.6.1. Work with the State, Sumter National Forest, Duke Energy, the Army Corps of Engineers, and other organizations to provide reasonable and safe access to the County's lakes and rivers for residents and visitors while protecting private property rights.	 Oconee County State of South Carolina Sumter National Forest Duke Energy U.S. Army Corps of Engineers Other related organizations 	On-Going	
Strategy 11.1.6.2. Explore partnerships and alternative methods of connecting residential, employment, recreation, other essential services,	Oconee County Municipalities	On-Going	
Goals/Objectives/Strategies	Accountable Agencies	Time Frame for Evaluation	Date Completed
Strategy 11.1.6.3. Continue to seek and utilize resources and partnerships to connect to regional trail and park systems.	Oconee County State of South Carolina Park and trail providers	On-Going	
Strategy 11.1.6.4. Continue to cultivate eco- tourism opportunities in key areas such as near the new mountain bike facility at Stumphouse Tunnel and planned expansions of County parks.	Oconee CountyMunicipalitiesState of South CarolinaSumter National Forest	On-Going	
Strategy 11.1.6.5. Seek opportunities to increase greenspaces, to include exploring requiring open space/greenspace as a component of new development.	Oconee County	On-Going	

Objective 11.1.7. Continue support of a comprehensive planning process to ensure that the citizens of Oconee County possess accurate inventories and analyses of existing county conditions and the opportunity to better manage			
Strategy 11.1.7.1. Review and update the components of the Oconee County Comprehensive Plan as needed, not restricted to the minimum time periods established in the S.C. Comprehensive Planning Enabling Act, as	Oconee County	On-Going	
amended. Strategy 11.1.7.2. Expand public access to the County's geographic information system (GIS), emphasizing the accuracy and maintenance of data collected and the usability of the GIS website.	Oconee County	On-Going	
Strategy 11.1.7.3. Utilize Assessor's data and GIS technology to better track development trends for use in planning for future growth and change.	Oconee County	On-Going	



OCONEE COUNTY COMMUNITY DEVELOPMENT

Addressing | Codes | Permitting | Planning & Zoning

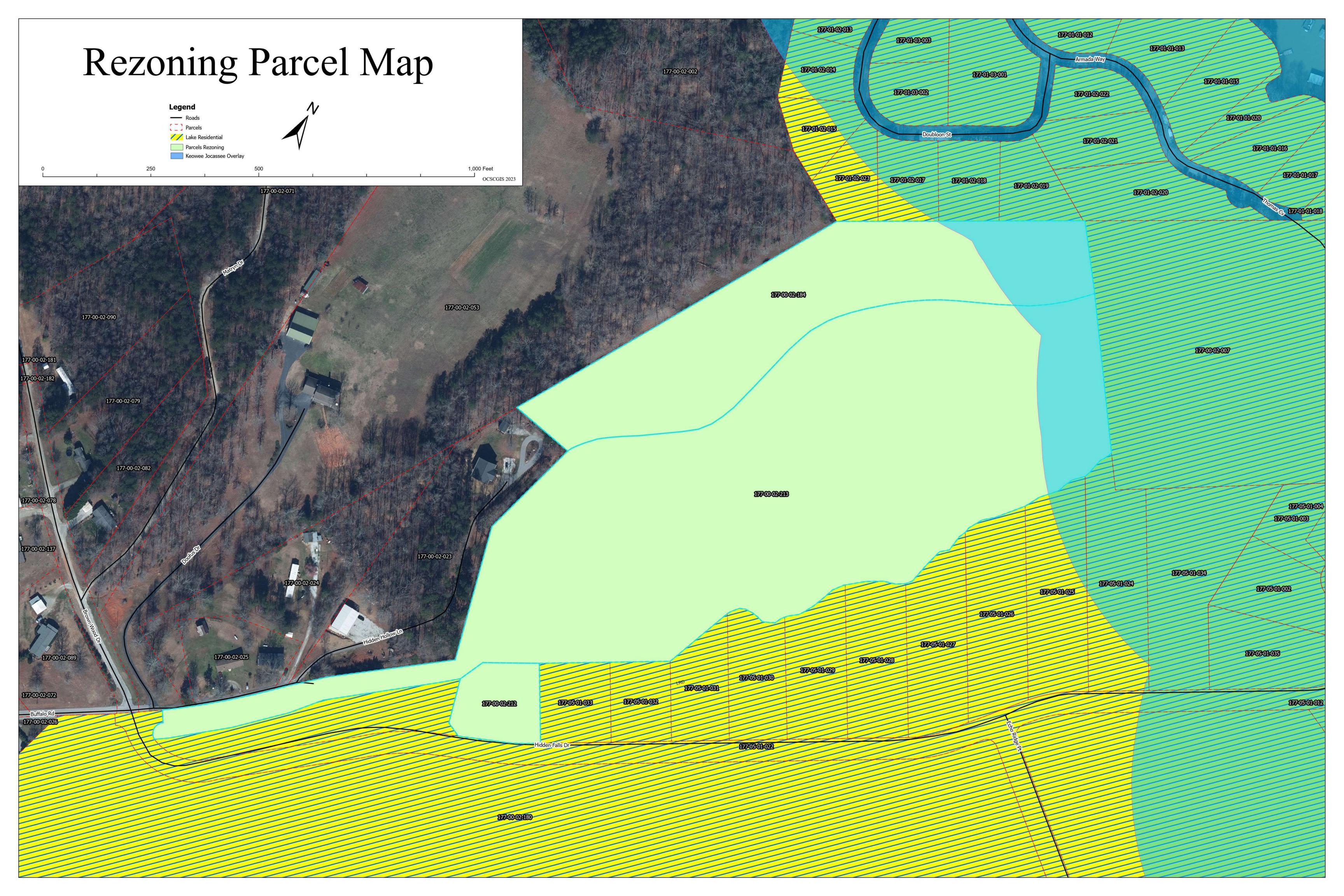
A PETITION TO REQUEST THAT OCONEE COUNTY CONSIDER ENACTING ZONING STANDARDS PURSUANT TO SECTION 38.8.6 (SUBSEQUENT REZONING) OF THE OCONEE COUNTY CODE OF ORDINANCES

"I hereby certify that I own a parcel	177	_ 00	02	184,	212,	213 currently zoned in the
		d I su	pport	the cor	nside	ration of amending the
zoning map to reflect the following:						
	L	AKE R	ESID	ENTIAL		District

l acknowledge that the Oconee County Council, Oconee County Planning Commission, and Oconee County staff must take into consideration all public input and reasonable suggestions regarding the adoption of zoning standards, and that other input received may differ from the description stated above.

I acknowledge that the final zoning standards will be based on prudent application of applicable land use standards, and that all zoning is within the final and exclusive decision making of Oconee County Council, so that no predetermined result of the zoning process can be guaranteed, including even whether such zoning does or does not occur.

TMS NUMBER	PROPERTY OWNER	SIGNATURE
177-00-02-184 177-00-02-212 177-00-02-213	Distinguished Design, LLC	7/1/
	*	



[As referred from the Planning Commission]

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 or older woven wire. In 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; 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.

Major local street shall mean a street that is designed and serves primarily to access abutting residential and commercial properties and other streets or roadways. *Major local streets* are further characterized as having two or more access points and receiving traffic from *Minor local streets* and other *Major local streets*.

Minor local street shall mean a street that is designed and serves primarily to access abutting residential properties. *Minor local streets* typically terminate in a cul-de-sac, loop, or other turnaround, and contain no more than two access points.

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

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) One thousand feet from all designated *Scenic highways*.
- (6) One thousand 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) *Commercial junkyards* shall be located only on *Major local streets*. Locating a *Commercial junkyard* on a *Minor local street* is prohibited.
- e) 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*.
- f) 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.
- g) 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.

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

(a)	Any Commercial junkyard that can provide documentary proof of ongoing operations
	occurring prior to the date this Article is enacted shall be exempt from the requirements
	of this Article as a "Nonconforming Commercial junkyard," unless one of the following
	conditions arise:

add 15%

- 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 ____ %.
- 3. Operations are altered such that excessive light, noise, dust, or other negative impacts on neighboring uses arise from the altered operations. remove (a)3
- 4. There is a change in ownership.
- 5. Safety violations.
- (b) Once a *Nonconforming Commercial junkyard* loses its grandfathered status as a result of a condition noted in Section 32-755(a), then it must comply with the terms of this Article and the following provisions from Section 32-754 shall apply:

See <u>Exhibit A for requirements triggered upon the occurrence of a safety violation (or perhaps a violation of item 3, above)</u>. Note Items 1, 2, and 4 would trigger enforcement of the entirety of this ordinance.

- 1.
- 2.
- 3.

Additionally, the following requirements shall be imposed:

- 1.
- 2.
- 3.
- 4.

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* 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. 32-754 (a-e).
 - ii. All necessary permits from governing federal, state, or local authorities.
 - iii. A certificate of compliance [what is intent here?] 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 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 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 though Sec. 32-800 - Reserved.

EXHIBIT A

Existing nonconforming Commercial Junkyards in existence prior to the enactment of these Commercial Junkyard regulations.

- (a) Any *Commercial Junkyard* that can provide documentary proof of ongoing operations occurring prior to the date this Article is enacted 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 ____ feet from the *Right-of-way* of a public road, and not less than ____ feet from a waterway, as described above, 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 *Commercial 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.

Provisions recommended by Law Enforcement, Public Safety, Health, and Welfare Committee on July 18, 2023.

- 1. Add to definition of *Fence*: "constructed <u>and maintained</u> in a commercially appropriate and sound manner" (This was from the Planning Commission originally.)
- 2. Add to the end of 32-754(g): "Electric vehicle batteries shall not be stored or handled at a *Commercial junkyard* unless done so 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.
- 3. Revise 32-755 regarding existing Commercial junkyards to read as follows:

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

- (a) Any *Commercial junkyard* that can provide documentary proof of ongoing operations occurring prior to the date this Article is enacted (an "*Existing Commercial junkyard*") shall be required to comply with all provisions of this Ordinance, with the following modifications:
 - 1. Upon submission of the *Commercial junkyard* Application required by Section 32-756, *Existing Commercial junkyards* shall have a period of 1 [or 2 or 3] years to construct the *Fence* required by Section 32-754(a) of this Ordinance. Additional time, up to a period of 1 [or 2 or 3] years for construction of the *Fence* may be sought on application to the Planning Commission. The Planning Department shall maintain an application for this extension, which shall require a statement of all reasons for the needed extension of time to construct the *Fence*.
 - 2. The *Setback* provisions governing the underlying zoning district shall apply in lieu of the requirements found in Section 32-754(b) of this Ordinance.
 - 3. Sections 32-754(c) and (d) of this Ordinance do not apply to *Existing Commercial junkyards*.

Links from SCDOT District 3 Contracts Manager, Mr. Frederick (Kirk) Thompson

2023-24 Pavement Improvement Program (scdot.org)

SCDOT Programmed Project Viewer (arcgis.com)

<u>Statewide Transportation Improvement Program - STIP (scdot.org)</u>

<u>engineering directives (scdot.org)</u>: 63-65 Pavement Improvement Program Directives (How projects are prioritized and ranked)