



SIGN IN SHEET
OCONEE COUNTY COUNCIL MEETING
DATE: April 21, 2009 5:00 p.m.

Ordinance #2009-03 AN ORDINANCE TO AMEND
THE OCONEE COUNTY ZONING ENABLING
ORDINANCE

Public comment will be limited to four minutes per person.
Sign up sheets will be available sixty minutes prior to the hearing for those interested in addressing Council.
Written comments may be submitted at any time prior to the hearing
for inclusion in the official record of the meeting.

Please PRINT your name

1. X JOHN LITTLE
2. X JIM SCHOONOVER
3. X GARY OWENS
4. ~~STEVE MACLEOD~~
5. X Dick Hughes
6. X JERRY BARNETT
7. X Richard Dumbeth
8. X STEVE Macleod
9. X TOM Markovitch
10. X DEVOE Blackstead
11. X SHARON HAMILTON
12. X Ginger Tidman
13. Phil Soper
14. Ken ?
- 15.
- 16.
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- 21.
- 22.
- 23.
- 24.
- 25.

Beth Hulse

From: Amsden-SC [gamsden@bellsouth.net]
Sent: Friday, April 17, 2009 12:04 PM
To: Beth Hulse
Cc: georgejudy1@bellsouth.net; jthrift@nuvox.net; regdexter@bellsouth.net
Subject: Lake Overlay

I will be out of town for the April 21st Oconee County Council meeting, but I wanted to submit this letter to be read into the public record at the meeting during the public comment period. Please provide a copy of this email letter to Wayne McCall and Mario Saurez as I did not have an email address for them. Please accept this letter as my registration for making a comment.

Dear Council Members:

As a resident of Oconee County living on Lake Keowee for the past five years, I have been actively following the proposed Zoning Ordinance and Lake Overlay legislation. I have also been bombarded with mailers requesting support of the Lake Overlay. After reviewing the revised ordinance language, I am opposed to the Lake Overlay due to the lack of an overall, comprehensive vision in the proposed ordinance. Although much of the language in the new zoning overlay for waterfront owners in Oconee County is good, there are a few very important items that are not addressed and should be included prior to a final reading:

1. There is no consideration in the ordinance for uses such as restaurants, waterfront lodging (except B&B's), commercial retail, etc. on Lake Keowee. These facilities help round out a lake recreational experience, and have been successful in many areas of the US. Oconee County needs to consider some areas on Lake Keowee, or some review process within the ordinance, that would allow limited areas for commercial uses, or else these much needed facilities will be very difficult to accomodate in the future.
2. Recently, Pickens County (east side, north half of Lake Keowee) removed it's 75' height restriction along Lake Keowee. The two counties *share* Lake Keowee as a recreational asset. The proposed Lake Overlay needs to be *coordinated with* Pickens County to effectuate a simultaneous legislation and accomplish a successful master plan for lakefront properties. Should Oconee County move forward without such coordination, and Pickens County chooses not to legislate a lake overlay, an opportunistic zoning differential would result between the two counties. Real estate developers tend to gravitate to the area of least resistance and greatest opportunity. The end result could be the west shoreline of Lake Keowee in Oconee County being "in the *shadows*" (*both visually, economically and job wise*) of the high rise buildings that will be erected in Pickens County.
3. The three proposed setback options in the Lake Overlay impact commercial properties along Highway 28, Highway 123, and Highway 130, including property owned by Duke Energy (especially production facilities) and Oconee Memorial Hospital. Duke Energy is in the process of expanding its facilities, and the Lake Overlay will have a direct impact on those plans. The effected property along these highways, which is zoned commercial and has a high vehicular traffic count, would be severely impacted by the restrictions set forth in the Lake Overlay. The County Council should be concerned about legal liability as such legislation could be construed as a taking without just compensation.

Protecting the shore of Lake Keowee is a very important aspect to the new zoning ordinance that I applaud, but it should not be an outright prohibition of uses that would help Oconee County promote its recreational resources, improve its economic environment and increase its job creation possibilities. I think the basic content of the proposed ordinance is good, but it needs to have a *broader vision* of Lake Keowee in both Oconee County *and* Pickens County. Specific areas on or around Lake Keowee need to be exempt from the Lake Overlay due to their present uses, or the possibility of future commercial applications which might be beneficial to the overall economic and recreational interests of Oconee County.

It is my hope that the Oconee County Council will table the final reading of the ordinance until such time as a more comprehensive version of the ordinance is written to include some of the concerns outlined in this letter.

Thank you for your time and consideration of the above matters. If you have any questions, don't hesitate to contact me at (864) 882-8280.

Sincerely,

Greg Amsden
129 Abaco Lane
Seneca, SC 29672
gamsden@bellsouth.net

**OPEN LETTER TO OCONEE COUNTY COUNCIL; APRIL 21, 2009;
FROM JOHN W. LITTLE, 210 LITTLE LANE, SENECA, SC 29672**

MR DEXTER, I QUESTION YOUR REMARKS QUOTED AT THE MEETING AT THE MC PHAIL FARM LAST WEEK ADVOCATING THE PEOPLE OF FAIRPLAY AREA FORM A "COALITION" TO BADGER COUNTY LEADERS LIKE THE ORGANIZATIONS FROM THE "ROW HOUSE S" ON LAKE KEOWEE. PLEASE UNDERSTAND THAT YOU, COUNCILMEN THRIFT AND MC CALL WERE ELECTED BY OCONEE TAXPAYERS NOT ASSOCIATED WITH LAKE KEOWEE. NOT ONE VOTE CAME FROM THESE SELFISH INDIVIDUALS WHO HAVE BECOME A DETRIMENT TO OUR FINE COUNTY.

YOU ALL WERE ELECTED TO MAKE POSITIVE CHANGES AND NOT TO SATISFY A "RADICAL FEW".

ELECTED OFFICIALS AND THOSE THEY APPOINT SHOULD BE CAPABLE OF RATIONAL AND WISE DECISIONS. YOU ALL SHOULDN'T BE INFLUENCED BY ORGANIZED "CRYERS" WHO HAVE NOTHING TO DO BUT ATTEND COUNCIL AND PLANNING COMMISSION MEETINGS.

IF, PUBLIC INPUT IS NEEDED FOR YOU TO MAKE A DECISION, POLL THE TAXPAYERS.

I'VE WITNESSED TWO YEARS OF RHETORIC CONCERNING UN NEEDED ZONING AND "OVERLAYS". PERSONALLY, I'VE PAID TAXES IN THIS COUNTY SINCE 1959, YET I HAVE NO VOICE IN THIS LAKE "OVERLAY".

IT TOOK WORK TO ELECT MR DEXTER, MR MC CALL AND MR THRIFT. THANK GOD, WE WERE SUCCESSFUL.

PLEASE KNOW THE "REAL PEOPLE OF OCONEE" ARE BEHIND YOU.

More.....

THE RECENT RETURN OF THE ZONING ENABLING ORDINANCE WITH "LAKE OVERLAY" IS A

BLATANT IRRESPONSIBLE ACT BY THE PLANNERS'. AS CHAIRMAN TOMMY ABBOTT EMPHASIZED, IT IS TRULY UNFAIR TO THOSE WITHIN THE OVERLAYS WHO DO NOT SUPPORT IT.

THE MEMBERS OF THE PLANNING COMMISSION SEEMED INTIMIDATED BY THE "CHEERS" AND "JEERS" ANTICS OF THE ZONING ADVOCATES.

PERSONALLY, I DON'T THINK THE PLANNERS ARE TAKING THIS ISSUE SERIOUSLY. IF ACTIVATED, OCONEE COUNTY WILL SUFFER ECONOMICALLY LOSING TAX MONIES, SEWER INFRASTRUCTURE, JOBS, ETC. LAKE KEOWEE WILL CONTINUE TO BE BURDENED WITH SEWER INFLUENTS FROM THE ESTABLISHED, "ROW HOUSES" AND KEOWEE KEY. THAT'S RIGHT, KEOWEE KEY WHOSE SEWER OPERATING PERMIT IS OBSLETE AND HAS HAD SEWER DISCHARGES INTO OUR BEAUTIFUL LAKE FOR YEARS!

THIS ZONING ORDINANCE IS NOTHING BUT A SELFISH VENTURE BY A FEW WHO WANT TO REGULATE A PUBLIC LAKE! NAMELY, STOP CONDO DEVELOPMENT.

I URGE COUNTY COUNCIL TO WEIGH THE IMPACT OF THIS ORDINANCE ON OUR COUNTY.

I THINK OCONEE CAN DO WITHOUT THIS ORDINANCE. **RECIND IT.**

GET ON WITH MEANING FUL ISSUES WHICH YOU ARE AWARE OF WHICH ARE RESULT OF PAST COUNCIL'S ACTIVITY.

RESPECTIVEY SUBMITTED,

JOHN W. LITTLE

NOTES:

PAST PLANNING OMISSIONER BILL NELSON WHO ARGUED VEHEMETLY FOR THIS ORDINANCE AND MOTIONED TO INCLUDE THE OVERLAY SHOWED HIS IGNORANCE WHEN HE REFERRED TO IT'S BOUNDARY TO 1300 FT ELEVATION RATHER THAN 1300 LINEAR FEET. INCIDENTLY, NO ONE ENLIGHTENED HIM, INCLUDING DIRECTOR HOLBROOKS. PERSONALLY, I QUESTION THE PLANNERS KNOWLEDGE OF THIS ORDINANCE AND OVERLAY.

MR NELSON EMPHASIZED ANY ASSOCHIATED COST WITH ENFORCING THIS ORDINANCE WOULD BE IN SIGNIFICANT TO OUR TAXPAYERS.

IF THIS ZONING ISSUE ISN'T STOPPED, OCONEE'S TAXPAYERS ARE GETTING THE SHAFT!

Jim Schoonover

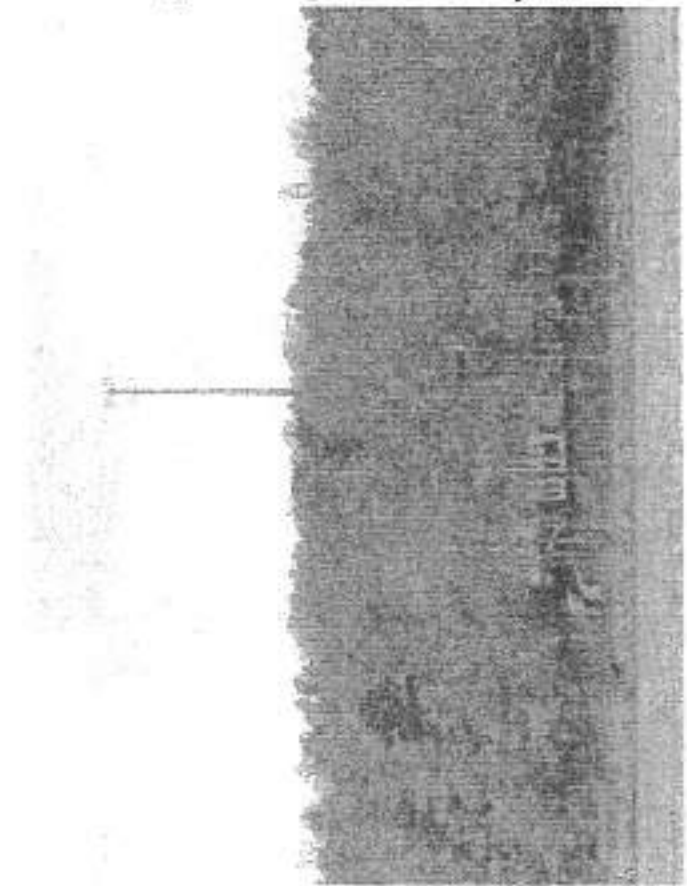
Considerations for ZEO –

Lake Overlay

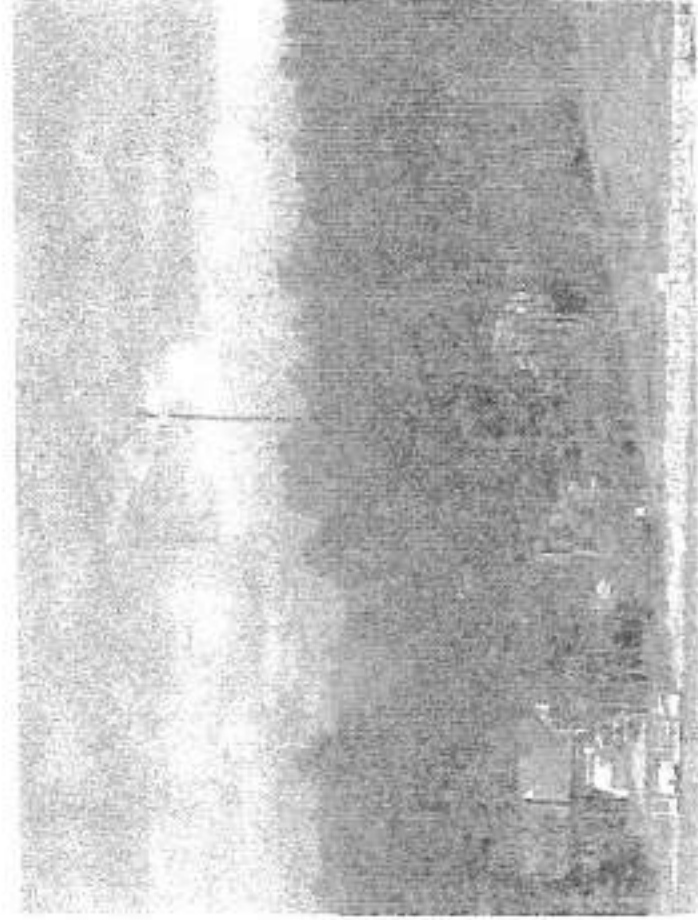
Specifically the 750 feet set back
from the Lake vs. the original
1300 feet

Stamp Creek Road Cell Tower

- This cell tower is along Stamp Creek Road and is 194 feet tall 648 feet from closest Lake Keowee Water
- More than half of the tower shows from the lake.
- This same lot has space to place the tower (or a Building) outside the 750 foot setback
- At 750 feet, the tower (or a building) would be just as visible above the tree line.
- A 1300 foot set back would prohibit such a tower or building



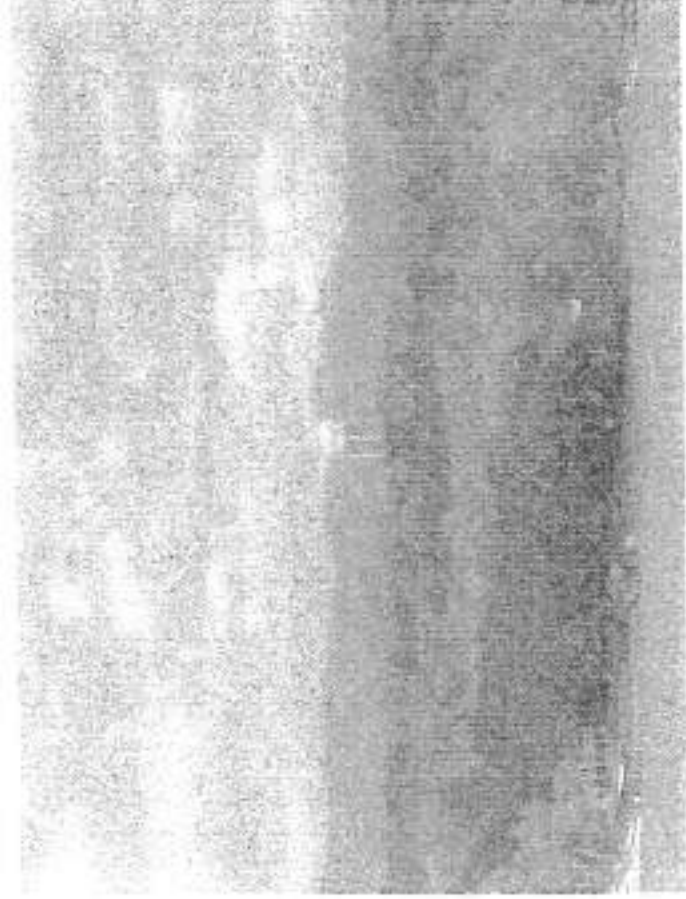
Stamp Creek Road Cell Tower



This is the same cell tower observed from a location just north of Island 12 on Lake Keowee, which is off McCall's Drive in the Wynward Pointe Development

Salem's Stamp Creek Water Tower

- Water Tower is 194 feet tall on land that is at about 1080 feet elevation (280 feet above lake level)
- Tower is about 1,580 feet from the Keowee 800 foot level
- It is estimated that even at this distance, anything over 145 feet could be seen from the Lake



Considerations on 700 vs. 1300

- There are many land parcel configurations that will probably defy both the 750 feet or 1300 feet setback
- As can be seen from the previous slides, certain objects will be seen even if outside the 1300 feet setback
- It is evident that the 1300 feet setback as recommended by the County's advisors and as confirmed over many months of public hearings provides better regulation to keep the lakes free of obtrusive structures
- It appears that the change to 750 feet was arbitrarily established without regard for the visual protection of one of the County's primary assets.

Remarks to Oconee County Council, April 21, 2009

Good evening Gentlemen. My name is Gary Owens and I represent the Advocates for Quality Development.

The Oconee County Zoning Enabling Ordinance will go into effect on May 1, 2009. Over the last two plus years, many of us have shown our support for protecting our lakes and mountains by attending these meetings. Although differing opinions have been voiced in Planning Commission and County Council meetings, AQD has always focused on the facts, trying to offer positive and insightful input to the process. We continue those efforts tonight with the goal in mind to protect our beautiful County and lakes from inappropriate and intrusive development. We have always emphasized the need for "quality development"... not development at any price in our County and around our lakes.

One thing that has become even more clear over the last several months is that we do not stand alone with regard to our interest in seeing NO high rise developments constructed around our lakes and on our mountains. We share this goal with all of you on the Council and with literally thousands of your constituents around the County. We all desire to look back upon this period as the time the County came together for the long range protection of our lakes and mountains.

We appreciate the work done by the Planning Commission and the County Council to get land use management to this stage. We encourage you to continue to work hard to implement the ZEO and overlays as planned on May 1st. We know that you have a challenging job to balance all the input you have received over the last two years. We encourage the establishment of standards that will protect our county and lakes from development that could forever tarnish the landscape of this beautiful area. We are confident they you will "do what's right" and modify the ordinance to make it forward thinking and responsive to all regarding protection from intrusive and unsightly development.

Thank you again for your service to our County.

COMMENTS ON PROPOSED CHANGES TO ORDINANCE 2007-18

PUBLIC HEARING 4-21-2009

I was not able to find the updated version of Ordinance 2009-03 with the changes made by the Council at the 4/14/09 meeting. I will assume that the copy available at the web site is the same except for the removal of the retroactive vegetative buffer and the reduction of the Lake Jocassee and Lake Keowee Overlay to 750 feet.

Sec 38-2.7 Complaints

It is stated in this section that "Complainants must reside in the same planning district in which the potential violation lies." I feel that owners of property within the same planning district in which the potential violation lies should also be able to file valid complaints.

Sec 38-8.5 (1) – Planning District Initiated by Citizens

If a property owner has more than one parcel in a specific Planning District when rezoning is initiated, does the owner have one vote for each parcel? If so, it should be stated here.

Sec 38-8.5 (2) – Small Area Rezoning

If a property owner has more than one parcel in a specific Subdivision when rezoning is initiated, does the owner have only one vote? If so, it should be stated here. It should also be stated that Subdivisions separated by a road or railroad right of way are considered contiguous.

Sec 38-11.1 - Lake Overlay District

As a point of clarification, the Planning Commission did not simply return the question of the Lake Overlay to Council. A special meeting of the Planning Commission was called to discuss the Lake Overlay. Several scenarios were presented and the Planning Commission voted 5 to 1 in favor of the 1300 foot Overlay. The 1300 feet is not an arbitrary number, it is consistent with other similar lakeside communities that have building restrictions. I do not understand the resistance to this overlay with thousands supporting it and a handful objecting. As I stated previously, anyone who feels that these standards pose an undue hardship may apply for a variance from these standards from the Board of Zoning Appeals.

If the Council still feels that this Overlay must be reduced, perhaps a compromise of 1000 feet could be reached. This would still be somewhat consistent with other similar lakeside communities.

Conclusion

It is my sincere hope that the Council will carefully consider the comments made at this hearing and possibly modify the proposed Ordinance if necessary prior to the third and final reading. While the ZEO with these amendments will not be a perfect document, let us all try to work together with it and if need be, fine tune it over time rather than resorting to litigation in which nobody wins. It is OUR County and one that we should be proud to live in and protect.

Richard "Dick" Hughes

864 -972-7856

dickhughes@bellsouth.net

CITIZEN COMMENT

SUBJECT: Public Hearing, April 21, 2009,
Oconee Council,
Zoning Enabling Ordinance (ZEO) Amdt.

REQUEST: To establish property boundary requirements for new development around lake keowee at not less than 1,300 feet. as originally proposed.

AFFECTED PROPERTY OWNERS

Richard and Inge Danforth,
303 Harbor Drive Seneca SC 29672.

SUMMARY: After nearly a two year search we selected the Lake Keowee waterfront for retirement largely because of the demonstrated capability of local governments to understand and protect Lake Keowee not only as a rare and pristine environmental amenity but also as an dependable economic asset for protecting property values. We thank the Council for its vigilance over the years, and for holding yet another hearing to assess public concerns. We have owned our home for over fourteen years. Our development, North lake Estates, is a quiet collection of families and retirees who have worked a lifetime for a time of peaceful living. This community is our life. It is not just a playground for us. And it is not insulated from the nature of waterfront development elsewhere on the lake.

COMMENT. The lake has proven itself to be a major inducement for retirees and others. We are the first to acknowledge that carefully examined and balanced commercial impacts are not only important but essential. However, the extensive study of long term quality of life issues and related commercial and public process considerations that led to the 1,300 foot boundary proposal must not be swept aside at the first challenge from newly raised commercial interests. We are concerned that the proposed reduction of boundary from 1,300 feet to 750 feet can compromise both our property values and our quality of life. This is because, from a quality of life standpoint, Lake Keowee, like any area dependent on its natural beauty, is a fragile and *unified* environment . Seen in this way, anything that impacts any part of the protected shoreline necessarily affects quality of life along the lakefront and on the lake itself .

A perceived reversal of environmental commitment even before final adoption would tell developers that local government is not fully committed to protecting the lake when developers object, and therefore that exceptions and variances will also be available after adoption.

This provides incentives and precedent for later piecemeal pressures to dismantle the protections that were originally found to be essential following thorough technical and public review. Caving in now would foreshadow the gradual but inevitable decline of the boundary of lake keowee until it is ultimately degraded from a rare environmental treasure that has sheltered even threatened eagle populations to just another suburban waterfront.

Cutting *almost in half* the waterfront area under the protections originally proposed, would of course nearly double the permitted area for land uses originally found to be incompatible in those areas. The original 1,300 foot standard was based on a balance of economic and environmental concerns, from runoff and water quality to aesthetics. To turn away from these clearly identified concerns would signify a highly unfortunate collapse of governmental will regarding the single most important aspect and priority of Lake Keowee living—quality of life. We are advised that the Council has been requested to place commercial interests over the concerns of approximately 50 homeowners associations and thousands of people in the Lake Overlay District. This has been the irony of beautiful lakes around the entire country as the very factors that attract population become degraded by those same population pressures because of critical land use failures at the highest levels.

Please do not give in to the Lake Lanier-izing of Lake Keowee.

The 1,300 foot boundary was not arbitrary. In view of the substantial public interest in protecting and preserving Lake Keowee as a rare and undiminished haven for living in harmony with nature, we respectfully suggest that the original selection of 1300 feet struck a reasonable and responsible balance between purely commercial and overall quality of life issues.

CONCLUSION: The original studies and process were a model of economic and environmental management based on solid staff work and on professional respect for due process and public involvement. We urge that the Council continue its tradition of careful practices concerning Lake Keowee's future and unique pristine qualities and that it reject any motion to reduce the boundary from 1,300 feet by any amount whatsoever.



Richard and Inge Danforth
303 Harbor Drive
Seneca SC 29672

April 21, 2009

Steve McLeod

Good evening gentlemen,

Tonight I represent Mountain Lakes Community Association and its members who live in numerous neighborhoods on Lakes Hartwell and Keowee as well as other, equally important portions of Oconee County.

MLCA congratulates the Council and the Planning Commission for their leadership in bringing the ZEO to the point of enactment.

This is truly an historic event in the life of our County and will be looked upon as a key component in the effort to preserve and protect the rich heritage, friendly lifestyle, and beautiful environment we enjoy today.

Enactment of the ZEO is very good news for those who were lucky enough to have been born here and as well as those who were drawn here by the very qualities we all seek to preserve.

The debate about ZEO has shown one consistent theme: that is all citizens, be they foresters, farmers, store owners, or residents on small lots, large tracts or in any form of neighborhood, want to protect our beloved County.

That shared goal applies regardless of where you went to grade school, how you might pronounce certain words or how long you've been privileged to call Oconee County home.

Much has been said about the various overlays but MLCA hopes all citizens - from the owners of large farms and forested tracks to the owners of individual parcels to the residents of neighborhoods large and small - all citizens will utilize the ZEO to request zoning protections.

You've provided the legal opportunity. Now it is up to our citizens to initiate the action necessary to actually implement the zoning protection they desire.

Thank you for your past and continued leadership on this critical issue.