

Oconee County Planning Commission



415 S. Pine St. • Walhalla, South Carolina 29691

Phone (864) 638-4218 • Fax (864) 638-4168

MINUTES

OCONEE COUNTY PLANNING COMMISSION MEETING APRIL 9, 2007

The Oconee County Planning Commission held a meeting at 7:00 p.m. on April 9, 2007, in the Council Chambers of the Oconee County Administrative Building at 415 S. Pine St., Walhalla, SC 29691.

Members Present: Tommy Abbott (Chairman)
Randy Abbott
Ryan Honea
Howard Moore
Bill Nelson
Rex Ramsay

Art Holbrooks (Planning Director)

Item 1: Chairman Abbott called the meeting to order.

Item 2: Approval of Minutes- Mr. Honea made a motion to approve the minutes of the March 19, 2007 special meeting as written; Mr. Randy Abbott seconded the motion. The motion passed unanimously.

Item 3: Discussion of Road Naming and Addressing Ordinance- Mr. Holbrooks informed the Commission that the first draft document in their packet had been sent by mistake- the correct draft was distributed, and was to be made available to the public on the departmental website. Although the current E-911 Ordinance deals with other issues, the draft contains only issues which state law mandates the Commission to oversee. If approved by the County Attorney, the rest of the issues in the current ordinance, which primarily focus on funding of the county system, would be contained in a separate ordinance; however, it is possible that the new regulations would be amended to the existing. The Commission took no action.

Item 4: Consideration of Rules of Procedure- The Chairman recognized Ms. Linda Lovely, who read a letter of comment on the draft rules of procedure for the Planning Commission. A copy of the letter is attached. Mr. Nelson made a motion to amend the draft by removing language that specifies opponents of a variance appeal be restricted to 2 minutes each (instead, opponents would be granted a total of 20 minutes to respond), and the allowance of the applicant 5 minutes to rebut the opposition; also, remove the sentence specifying that no cross-examination of either side should occur. Mr. Moore seconded the motion. The motion passed unanimously. Mr. Holbrooks stated that he would make the changes, and present the Commission with a final draft at the next meeting.

Item 5: Old Business- Mr. Holbrooks reminded the Commission about the upcoming presentation to County Council on April 17th on the Commission report to Council on the milestones, expected needs and timeline for creating a zoning program.

Item 6: New Business- None

Item 7: Public Comment- Mr. Bill Graham stated his appreciation for the Commission simplifying the draft rules of procedure, and asked about what variances the Commission would hear. Mr. Holbrooks replied that under state law, the Commission hears subdivision related variances.

Linda Lovely- Expressed thanks to the Commission for letting he read her letter, and for the Commission's review of the variance section of the rules of procedure.

Steve McCloud- Thanked Commission for their openness and letting public provide input.

Susie Cornelius- Stated concern about using fire district boundaries for zoning district lines, and urged the Commission to keep the fire fighters informed on any proposed changes. Mr. Holbrooks explained that any proposed changes would be reviewed by the fire chiefs. He also stated that, while the zoning districts would be based on the fire district boundaries, there may be areas in which the two could not be exact.

B.J. Littleton- Stated that the limit on 3 minutes of comment is bad; and also stated his concern about attempting to adopt official fire district boundaries.

Item 8: The meeting was adjourned.

Advocates for Quality Development, Inc.
P.O. Box 8115 • Seneca, SC 29678 • www.keowee4quality.com

April 9, 2007

To: Oconee County Planning Department
Oconee County Planning Commission

RE: Concerns regarding Draft of Planning Commission Rules of Procedure

Gentlemen:

On September 12, 2006, Advocates for Quality Development (AQD) wrote the Oconee County Administrator and the Oconee County Planning Director with suggestions for implementing a consistent and fair variance application review process that would allow all interested parties to have an equal opportunity to provide the Planning Commission with arguments pro and con whenever a party requests a variance to any of the County's Land Use Regulations.

We appreciate your work in preparing a draft document for such a review procedure and believe it is a major step forward. However, we still believe some modifications are needed to create a defensible and consistent procedure. We would like the opportunity to present our views before any vote is taken at the April 9 meeting.

By its very nature, a request for a "variance" indicates that the applicant is asking permission to do something that County regulations would not normally allow. Therefore, it only seems reasonable that property owners and citizens in the County who oppose the granting of this special privilege should have an opportunity that is at least equal to the applicant's to be heard by the Commission.

However, the proposed rules strongly favor the applicant. Article IV does not appear to require a published explanation as to the nature of the variance request. Nor does it define in any way what constitutes "adjacent property owners". This has the potential to leave interested parties in the dark.

Furthermore, the applicant is given twenty minutes to present his case, while each individual opponent is given only two minutes. Given this rule, if five adjacent property owners objected, they would have just 10 minutes to speak. Furthermore, the applicant is allowed to rebut anything the opponents say. Yet the opponents are not offered a counter- rebuttal. In effect, the applicant is given the opening and closing statements.

Timing is another problem. The draft document does not seem to require the applicant to provide any documentation and arguments for the variance in advance of the hearing. This does not allow the opposition to study the merits of the applicant's arguments and time to gather and provide relevant evidence to refute any claims.

Research of variance hearing procedures in other South Carolina communities suggest the following additions would be appropriate:

- Applicant's reasons for the appeal and any supporting documentation must be made available to the public at the Planning Department Offices and on its web site at least 15

days prior to the hearing and at least seven days before any deadline for opposing parties to be placed on the agenda.

- A notice of the variance hearing must be published in a general circulation newspaper no less than 30 days prior to the hearing.
- After applicant is given the opportunity to rebut any challenges by the opposition. The opposing parties will be given equal time for a counter-rebuttal.
- Parties opposing the application will be given twenty minutes to present their case. The organizations and individuals who sign up to speak may aggregate their time however they wish.
- After a decision is made, all affected parties should be notified and given a specific time period to appeal the decision with procedures and time limits clearly outlined. If a Zoning Board of Appeals heard variance requests, there would be an Appeals Board with quasi-judicial status. Is there no appeal option here?

For variances sought in relation to Section 6.7.14 Impact on Existing Road System, the applicant should be asked to provide the following documentation when submitting a variance request:

- A requirement that the applicant complete a traffic study documenting how the proposed development would increase trips-per-day on the impacted road(s).
- The applicant should document the percentage increase in traffic and the number of dwellings and yet-to-be-built lots that would be affected if the variance were granted.
- The County Roads Department should be asked to provide an independent assessment of the road's safe capacity versus the capacity it would be expected to carry if the variance were granted.
- The County Fire Chief should be asked to provide an independent assessment of fire safety issues that might exist if the variance were granted.
- The applicant should provide documentation that he has made every effort to acquire the right-of-way necessary to widen the road to safe standards.
- The applicant should explain why he cannot adjust his plan to ensure the road meets safe standards.

To streamline administration, you might consider developing Variance Request Forms to be completed by any applicant prior to scheduling a hearing. Samples of such documents are available at the following web link:

http://www.co.beaufort.sc.us/Public_info_officer/Comp_Plan_Docs/ComprehensivePlanningManualforLocalGovernments-2001.pdf

This guide includes information on Standards for Granting Variances, Procedures for Appeal and various checklists. It also is written in an easy-to-understand manner and might be an excellent resource for Oconee County employees and officials on a variety of planning, land use and zoning issues.

Thank you for your consideration,

Linda Lovely
President, Advocates for Quality Development, Inc.