



Oconee County Planning Commission

415 S. Pine Street, Walhalla, SC

29691

Telephone: 864-638-4218

Minutes

Planning Commission Meeting

March 1, 2010

The Oconee County Planning Commission held a regular meeting on March 1, 2010 at 6:30 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Tommy Abbott (Chairman)
Howard Moore, (Vice Chairman)
Randy Abbott
Ryan Honea
Andy Heller
Rex Ramsay
Bill Evatt

Art Holbrooks (Planning Director)
Aaron Gadsby (County Planner)
Carol Harvey (Planner)

Media Present:
Carlos Galarza, Daily Journal

Item 1: Chairman Abbott called the meeting to order.

Item 2: Approval of Minutes – Mr. Honea made a motion to approve the minutes from the February 8, 2010 regular meeting as written. Mr. Randy Abbott seconded the motion. The motion passed unanimously. Mr. Evatt made a motion to approve the minutes from the February 22, 2010 Council/Commission workshop. Mr. Honea seconded the motion. The motion passed unanimously.

Item 3: Public Comment -

The following individuals voiced concerns over the proposed Petty-Luther Land Rezoning Request: Ms. Lynn Elrod, Mr. Chuck Pinion, Mr. Mark Bagwell, Mr. Jerry Barnett, Mr. and Mrs. Robert Beaudry, Mr. B. J. Littleton

The following individuals made comments in support of the proposed Petty-Luther Land Rezoning Request: Mr. Robert Royer, Ms. Flowers

Item 4: Ms. Susie Cornelius conducted a Power Point presentation on Sewage Treatment. (See attached presentation.)

Item 5: Consideration of Luther Land and Petty Roads Rezoning Request, Ordinance 2010-03 – Mr. Holbrooks presented a draft map to the Commission, showing planning staff recommendations for rezoning districts within the proposed area. Ms. Heller informed the group about a meeting that she and Mr. Paul Corbeil had with some of the landowners in the proposed rezoning area. Based on that meeting and some of the concerns of the landowners, she made a two-part motion regarding the proposed rezoning: 1. The triangle shaped group of parcels between the intersection of Keowee School and Petty Roads be left out of the rezoning area, since those land owners have requested the opportunity to review other zoning options. 2. The subdivisions within the remaining request area be zoned Lake Residential and parcels outside of those subdivisions be zoned Residential. Mr. Honea seconded that motion. Mr. Randy Abbott and Mr. Moore asked several of the property owners about the location and size of their parcels and issues regarding the grandfathering of existing property uses were discussed. After some discussion, the motion carried with no opposition.

Ms. Heller made a motion for a procedural change, where Commission members hold local meetings for landowners involved in future requests, conducting them just after the first notification letters are mailed to landowners but prior to the Commission meetings, in order to hear their concerns earlier. The motion failed to get a seconded. Mr. Honea suggested that Commissioners try to visit the rezoning sites to see the overall area. Several board members suggested that the option for the meeting is already in place. Mr. Moore made a motion that the first meeting held by the Board to review a rezoning request be considered a discussion meeting only, to give the Board and landowners more time to become more familiar with any associated rezoning issues, so that decisions regarding the requests not be made until a subsequent meeting. Mr. Honea seconded that motion and the motion carried.

Item 6: Discussion Related to Review of Adopted Performance Standards- Mr. Holbrooks referred to several sections of the Unified Performance Standards, informing the Board that input is needed from the county attorney regarding issues pertaining to group homes as related to zoning districts and the Fair Housing Act. He said that draft language will be developed based on the input from the county attorney.

Item 7: Old Business- none

Item 8: New Business – Mr. Evatt made a motion to move the regular meeting time of the Planning Commission from 6:30 PM to 6:00 PM. Mr. Ramsay seconded that motion and the motion carried.

Item 9: Meeting adjourned.

Sewer Service

*Collection and treatment
of used fresh water
before returning it to the
environment*

Prepared and presented by Susie Cornelius

Comments in **BOLD** by Lowell Ross, Attorney

March 1, 2010



Oconee County Sewer

- ▲ *Historical Background*
- ▲ *Changes*
- ▲ *Current Status*
- ▲ *Funding Opportunities*
- ▲ *Situation Solutions*
- ▲ *Perspective*
- ▲ *Request*



Historical Background

- ▲ *1970's Cities individually operate their own water and sewer utilities*
- ▲ *Feds require more stringent sewer treatment*
- ▲ *'78 Referendum to allow Oconee County to build and operate sewer plant*
- ▲ **Provided that sewer system to be constructed with grants and other (non ad valorem tax) sources.**
- ▲ **'93 Loan (\$8,200,000) to increase sewer capacity for industrial uses.**



Changes

- ▲ *2001, May 15 County Council minutes describe dispute over city moratorium for sewer service*
- ▲ *'02 SWAG Agreement negotiations begin*
- ▲ *'04 County agrees to provide SC I-85 Welcome Center with sewer service and charge taxpayers*
- ▲ **'04 Lawsuit filed to stop cost of sewer charged to county taxpayers**
- ▲ **'07 Chapter 25, Title 5, S.C. Law provides that water systems may be operated by an Authority created under the Act, however the Agreement creating the Authority does not include any provision relating to water.**
- ▲ **'08 Oconee Joint Regional Sewer Authority formed creating joint water-sewer control separate from County Council. OJRSA was created at the request of the County to allow the County to contract with OJRSA to provide sewer service in the unincorporated areas of Oconee County.**



Current Status

- ▲ COUNTY responsible for waste water discharge under Clean Water Act. **Oconee County has designated OJRSA as the Section 208 Agency for County.**
- ▲ OJRSA control has no representative vote elected by taxpayers outside city limits, **although there are 2 (out of 9) members of the system who are not and cannot be residents of any of the cities.**
- ▲ SWAG provides rules for obtaining water and sewer service from cities-OJRSA
- ▲ SWAG enables an override county planning process
- ▲ Conoross capacity 7.8 mgd, current use 2 mgd
- ▲ TAXPAYERS charged \$610,000 annually until 2038 for upgrade to the sewer system as specified in the SWAG Agreement. (No specific performance required)



Cornelius v. Oconee County

- ▲ This case held that the county was bound by the terms of the 1976 Referendum, however, the Trial Court held that the County could make contributions to the Cities and the Supreme Court in a footnote said: **“Nothing in the Referendum or in the Circuit Court Order . . . limits County’s authority to contract with other entities to provide sewer service.. . “**

Lowell Ross, OJRSA Attorney



\$8,200,000 Loan

- ▲ The payments on the loan made for an upgrade to the sewer system for industrial uses was paid for several years by the users of the system. The annual \$609,947 paid by County to OJRSA is partially to re-pay the cities for the payments made by them. The \$609,947 can only be used to upgrade the system and those up-grades are specified in the SWAG Agreement.

Lowell Ross, OJRSA Attorney



WHO PAID FOR THE SYSTEM

- ▲ Other than the \$609,947, which can only be used to up-grade the sewer system, there is **NO *ad valorem*** tax money in the sewer system. The cost of the operation of the system is paid entirely by the users of the system.

Lowell Ross, OJRSA Attorney

Users of system outside city limits pay considerably higher fees for water and sewer than do city residents. Grants have supported cost of the system.



Sewer Funding Opportunities

- ▲ *Appalachian Regional Commission*
- ▲ *Economic Development Administration*
- ▲ *EPA and the U.S. Department of Agriculture*
- ▲ *State revolving fund (SRF) loans*
- ▲ *ATAX*
- ▲ *Special property assessment*



Situation Solutions

- ▲ ***EQUAL REPRESENTATION** on OJRSA to plan control of growth*
- ▲ ***FUNDING OPPORTUNITIES** explored*
- ▲ ***ECONOMIC NEED** documented*
- ▲ ***SEWER TREATMENT CAPITAL COST** fairly charged to buyers and users of the fresh water treated as sewage for discharge*
- ▲ ***PRIORITY INVESTMENT** Planning Commission has public support to insist on proper planning for countywide needs*



PERSPECTIVE

- ▲ **Oconee County is barred from using tax money to fund sewer directly (without a referendum) because of a 1943 decision by the S.C. Supreme Court which held that the words “ordinary county purpose” did not include sewer because sewage systems were unknown when the framers of the S.C. Constitution of 1895 drafted the Constitution and therefore they could not have contemplated using tax money for sewer system.**

Lowell Ross, OJRSA Attorney

“Sanitary engineers in 1895 had combined the city’s storm sewers with its waste sewers.”

http://www.archives.nysed.gov/a/research/res_topics_env_hist_conservation_pollution.shtml



Planning Request

- ▲ *Plan by priority*
- ▲ *Justify Plan with economic data*
- ▲ *Consider funding options*
- ▲ *Consider effect of recommended plan on taxpayers and publish the result*



Thank you for allowing
this presentation

