

OCONEE COUNTY PLANNING COMMISSION

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MINUTES OCONEE COUNTY PLANNING COMMISSION

6:00 PM, MONDAY, MARCH 24, 2014
COUNCIL CHAMBERS
OCONEE COUNTY ADMINISTRATIVE COMPLEX

Members Present: Mr. Lyle, Chair
Mr. Gilster, Vice Chair
Mr. Childress
Ms. Heller
Mr. Honea
Ms. McPhail
Mr. Richards

Staff Present: Josh Stephens, Deputy Director of Community Development
Matthew Anspach, Planner I
Tom Martin, Esq., County Attorney

Media Present: None

1. Call to Order

Mr. Lyle called the meeting to order. 6:00 PM

2. Approval of Minutes for Monday, February 3, 2014

Mr. Gilster motioned to approve the minutes.

Mr. Honea seconded the motion. The motion was approved unanimously.

3. Public Comment for Agenda and Non-Agenda Items (3 minutes)

Mr. Eric Miller supported keeping the ordinance interpretation for the Lake Overlay density as is; based on net density.

4. Discussion and Consideration of Zoning Ordinance 2014-10 (Seneca Rail Site)

a. Staff Presentation

Mr. Stephens introduced Austin Albertson as the new intern. He continued, presenting on the request for rezoning of the Seneca Rail Site. He added that staff recommends the rezoning.

b. Discussion & Consideration

Mr. Honea motioned that the Commission vote to recommend to County Council the parcel be rezoned to Industrial.

Mr. Gilster seconded the motion. The motion passed unanimously.

Mr. Richards asked why the Oconee Industry and Technology Park was not included in the Future Land Use Map (FLUM).

Mr. Stephens noted that the area of land formerly known as Echo Hills was not in the FLUM because at the time when the property was being rezoned, the FLUM was not being looked at. He added that with the Comprehensive Plan review ahead, it could now be discussed to be included.

5. Discussion regarding Sub-Committee Ordinance Review of Chapter 32 & 38

a. Staff Comments

Mr. Stephens spoke about staff's final touches to the Chapter 32 & 38 review. He reminded the Commission about the previous issues concerning towers, and his talks with a cell tower engineer professional recently. He talked further about staff's opinion that definitions throughout both chapters should remain in each of their distinctive articles for clarity. Mr. Stephens spoke to the idea that the complaint section found in Article 3 be moved to Article 1 so that it would apply to all of Chapter 32 in light of the complaint section unintentionally becoming isolated in Article 3 when it was originally created.

b. Discussion & Consideration

Mr. Gilster asked if the professional specified what reasonable height might be.

Mr. Stephens responded that he did not give a number for a reasonable height. He mentioned the professional told him the only person that could give him a number would be an RF Engineer on sight due to the multitude of variables.

Mr. Honea added that he liked the way the ordinance works now, where the public gets input when tower applications go before the Board.

Mr. Richards noted there seems to be two main views. Those who want the towers for service and those who don't want them to keep scenic views. He mentioned that some of the regulating should take into consideration the will of the particular community.

Mr. Buzz Williams of the Chattooga Conservancy voiced his opinion on towers and the proposals the Chattooga Conservancy have produced for keeping towers out of certain scenic areas.

Mr. Honea stated that you have to look at safety.

Mr. Gilster asked if we want a large amount of smaller towers. He leaned towards thinking towers should go before the Board.

Ms. McPhail commented that she agreed with Mr. Gilster that she likes the process in that towers go before the Board so that the public could have a say. She added that she thought the Commission would be provided with the map of the current tower locations throughout the County.

Mr. Stephens disclosed that the map staff would provide them with would not show coverage areas for proprietary reasons.

Mr. Lyle asked whether any information had come to light on whether there were any options, technologically that could be looked at to mitigate the aesthetical issues towers present.

Mr. Stephens responded that for highly urbanized areas, there is a technology called Distributed Antenna Systems (DAS).

Mr. Lyle asked if that would be appropriate for an area such as the Chattooga watershed.

Mr. Stephens added that is essentially a question for the communications company.

Mr. Lyle asked if the BZA had the authority to request more information on available technology options for communication service.

Mr. Stephens responded that the BZA does have the authority to require the communications company to provide input on the available technology options. He went on to talk about the tower setback regulations. He mentioned that one of the options available is to remove the current "1 foot per foot tall, plus 50 feet", and replace it with a setback stipulated on the engineered fall zones.

Mr. Honea stated he thought the setback regulations should be at least "1 foot per foot tall, plus 25 feet".

Mr. Lyle commented that he thought the setback regulations should be left as they are.

Mr. Stephens spoke to the remainder of changes in Chapter 32 and then moved to Chapter 38 Article 2 discussing the complaint section.

Mr. Martin spoke about the legal ramifications of the complaint ordinance. He mentioned that the best way to avoid the most legal turmoil would be to make the provisions consistent between Chapter 32 & 38 and to follow verbatim, the language provided in state law. The language would only expand when someone “who would be especially damaged by the violation” lived on the periphery, rather than within the complaint allowing zone in which the violation garnering the complaint took place; adjacent, neighboring and additionally who could be especially damaged.

Ms. Heller added that she understood what Mr. Martin explained but that she would still like anyone to report a violation happening within regardless of where they live.

Ms. McPhail added that she felt the language of “who would be especially damaged” allowed for most anyone to hypothetically be able to report a violation on the lake.

Mr. Stephens asked Mr. Martin whether staff would need to include violation complaint regulations specifically in the overlay section of the Zoning Enabling Ordinance (ZEO).

Mr. Martin stated that they would need to be addressed specifically anywhere the regulation is applied such as the Overlay Section. “Except as specifically specified elsewhere” would need to be added in the first article or general rules of each chapter with the verbatim state law statement.

Mr. Lyle asked what “being especially damaged” meant pertaining to property violations.

Mr. Martin clarified that being especially damaged means “anything that lessens the use value of the property; not necessarily the sale value.”

Mr. Honea made a motion that the Commission recommend the Overlay be open for complaint violations regardless of the residence location as long as it is within the overlay; and that in the rest of the County (outside of the Overlay), complaints can only be made by those who are neighbors, adjacent properties, and those especially damaged.

Mr. Gilster seconded the motion. The motion passed unanimously.

Mr. Stephens recapped that staff would work to make General Provision sections of each 32 and 38 match state law regarding complaints. He added that staff would add the “except as” clause to each. Staff would then specify in Chapter 38 Article 11 the discussed language specific to land owners of the Overlay.

Mr. Honea made a motion to reconsider the motion to approve changing the Overlay Section by removing net density and adding half-acre lots.

Mr. Gilster seconded the motion. The motion was approved unanimously.

Mr. Martin explained that the Commission correctly voted to reconsider. This put the Commission back to where they were on the Overlay matter at the previous meeting.

Mr. Gilster commented that the Commission had gotten to the vote because the idea of original intent had been raised. The original intent was discussed as being half-acre lots. He added that there is now new information to him about the potential for sewer potentially improving or effecting water quality.

Mr. Lyle stated that he would like for there to be a mix of property types so that the land would be available to more people. He added that half-acre lots would essentially force developers to use septic rather than sewer.

Ms. Heller wondered how quarter-acre lot size was possible in the Overlay.

Mr. Stephens explained that as long as the base zoning district allowed for quarter-acre density as long as it was with sewer, than coupled with the net density regulation, quarter-acre lot sizes were possible.

Ms. Heller mentioned that she would like for the ordinance to reflect the original intent of half-acre lots.

Mr. Eric Miller spoke to his experience with common septic and his opinion that it was cost prohibitive.

Ms. Heller mentioned she believed common septic should also be subtracted before calculating net density if the verbiage were to stay the same.

Mr. Jim Codner spoke to the original intent of the ordinance being half-acre lots.

Mr. Gilster added that one idea would be to have half-acre lots only, on the lake front, and allow for the quarter-acre lots not touching the lake since the issue is also visual pollution.

Mr. Stephens reminded the Commission that there was an open motion on the floor which is to change the wording in the ZEO by removing the two per acre net density to half-acre lots.

Mr. Lyle added that downsizing is a real possibility as people get older and it is important to have diverse development.

Mr. Richards asked to be clear, how the vote for the open motion would read.

Mr. Stephens reminded the Commission that voting no would not change the ordinance, as it is. If they voted yes, that would be saying they would like to recommend the change to the ordinance by renaming net density and adding a half-acre lot requirement.

Mr. Gilster motioned to table the ordinance issue until the next meeting

Mr. Honea seconded the motion. The motion passed 6-1 with Mr. Richards voting nay.

Mr. Stephens spoke to what the best time frame would be to finalize the Commission's work on Chapter's 32-38.

6. Initiate Review of the Comprehensive Plan

a. Staff Comments

Mr. Stephens began to talk about different ways the Commission could interact with the community concerning the Comprehensive Plan.

b. Discussion & Consideration

Mr. Lyle, regarding the Sub Committee, appointed Mr. Gilster to serve as Chair, with Mr. Honea and Mr. Childress serving as the other two members.

Mr. Richards suggested inviting Mr. Richard Blackwell to some of the community outreach events.

Mr. Stephens responded that staff will certainly reach out to Mr. Blackwell.

7. Old Business

None.

8. New Business

Mr. Stephens talked about permitting numbers and current potential subdivision reviews and other projects. He also talked about the current status of the implementation of CitizenServe and web-based surveying. He mentioned staff has been working on updating and improving the department website as well as developing a new monthly newsletter to help citizens be more engaged.

Ms. McPhail mentioned she has received a lot of interest into looking to develop an Agricultural Advisory Committee.

Mr. Stephens answered that staff has actually been working on an Advisory Committee layout and had currently put together a one-page outline for such a Committee. He added some of the details towards what the Committee would entail. He suggested the Commission review the outline so that it could be tweaked and sent to Council for consideration.

The next meeting date was set for Tuesday, April 14 at 6:00 PM, pending availability.

9. Adjourn

Ms. Heller motioned to adjourn.

Ms. Gilster seconded the motion. The motion passed unanimously. 8:59 PM

Anyone wishing to submit written comments to the Planning Commission can send their comments to the Planning Department by mail or by emailing them to the email address below. Please Note: If you would like to receive a copy of the agenda via email please contact our office, or email us at: jstephens@oconeesc.com.