

OCONEE COUNTY PLANNING COMMISSION

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MINUTES OCONEE COUNTY PLANNING COMMISSION

6:00 PM, MONDAY, APRIL 14, 2014
COUNCIL CHAMBERS
OCONEE COUNTY ADMINISTRATIVE COMPLEX

Members Present: Mr. Lyle, Chair
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: Ray Chandler, Anderson Independent

1. Call to Order

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

2. Approval of Minutes for Monday, March 24, 2014

Mr. Honea motioned to approve the minutes.

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

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

Mr. Jim Codner spoke in favor of half acre lots.

Mr. Buzz Williams spoke about requesting consideration for the Chattooga Conservancy's proposed cell tower ordinance amendments.

4. Discussion and Consideration of Variance Request (059-01-01-028)

a. Staff Presentation

Mr. Stephens presented the details of the variance request of 12 feet into the rear setback of 25 feet of the particular property.

b. Discussion & Consideration

Mr. Mack Owens spoke on his reasoning for requesting a variance.

Ms. Gene Gyman asked whether the deck would block the neighbor's view of the lake.

Mr. Owens responded that the deck would not block any neighbors view.

Mr. Stephens read the criteria as required in the Ordinance for a Board Order in the affirmative for the Commission to vote on:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
- b. These conditions do not generally apply to other property in the vicinity.
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Ms. Heller motioned to approve the variance request.

Mr. Honea seconded the motion. The motion passed unanimously

5. Discussion regarding Ordinance Review of Chapter 32 & 38

a. Staff Comments

Mr. Stephens covered the latest material pertaining to the Ordinance review. He then spoke on the two remaining topics related to Chapter 32 and 38; communication towers and the Lake Overlay density. He reminded the Commission about the one-page outline of a potential agricultural advisory committee. Mr. Stephens also talked about looking at the possible creation of a unified development ordinance (UDO) to help with making the development standards more clear and consistent for developers.

b. Discussion & Consideration

Mr. Lyle mentioned that the idea for a possible UDO seems like it would be helpful for the public and staff.

Mr. Martin added that it is certainly in the Commissions right to suggest to Council and request of Council the authority to examine the overall code to see if anything else in the Code of Ordinances is going to affect any rewrite of 32 and 38, and the Comprehensive Plan.

Ms. Heller asked if proceeding with an examination of the code would postpone any meetings with Council concerning the review of 32 and 38 that has already been done.

Mr. Stephens answered that it would not postpone meeting with Council on the 32/38 review. He added that any examination done later would be a totally separate and long-term process.

Mr. Honea motioned for staff to review the Code of Ordinances in order to align all of the chapters so that they are in line with the County's goals and missions, including but not limited to a unified development ordinance.

Ms. McPhail seconded the motion. The motion was approved unanimously.

Mr. Stephens asked the Commission what their thoughts were on communication towers.

Mr. Honea mentioned that any sort of prohibitive zones for towers could violate federal law.

Mr. Richards stated that the FCC seems to be fine with making prohibitive distances such as "1000 feet from a particular highway" but just not an entire area of land.

Mr. Martin explained that it is difficult legally to prohibit communication service somewhere. He explained that even if an area does not have service, that does not mean the service is prohibited; rather, that the carriers have chosen to not provide service for different reasons.

Ms. McPhail suggested looking at all possible ways to preserve any scenic value when determining placement of cell towers.

Mr. Stephens asked if the Commission would like to look at lowering the height of towers for residential areas.

Mr. Lyle answered that the problem with that idea is that there will likely end up being many more towers.

Mr. Stephens reminded everyone that they could always stick with what is available.

Ms. Heller added that improvements have already been proposed to the cell tower ordinance and they suffice.

Ms. Heller motioned to maintain the current draft language formulated by the Subcommittee for improving Chapter 32, Article 4 which included better notification, better site analysis, etc.

Ms. McPhail seconded the motion. The motioned passed unanimously.

Mr. Lyle directed the Commission to look again at the issue of the Lake Overlay.

Mr. Stephens reminded everyone that to look at the Lake Overlay issue would entail a motion to bring it off of the table.

Mr. Lyle stated that he had a concern with looking at the Lake Overlay issue due to the absence of two of the Planning Commission members. He added that the Commission should look at leaving the issue tabled until the next meeting.

Mr. Stephens mentioned that the next meeting would likely be Monday, May 5. He added that it would be important to make a decision concerning the Lake Overlay at the next meeting so that the Review would be complete when Council considers it.

Mr. Richards asked what the setback from the lake was before the Overlay was in place.

Mr. Stephens responded that he would have to research the matter and find out.

6. Update from Comprehensive Plan Review Subcommittee

a. Staff Comments

Mr. Stephens deferred to Mr. Honea to talk about the review.

b. Discussion & Consideration

Mr. Honea mentioned that the Subcommittee decided staff should present what they have found to be issues in the Comp. Plan before each meeting so they can really be evaluated.

Mr. Stephens added that the Subcommittee and staff talked about various ways to encourage public input in the Comp. Plan process.

Ms. McPhail commented that her experience with public meetings when the 2004 Plan was created was that they were very well attended due largely to keeping the meetings simple and not too technical so people would feel comfortable to attend and give their input.

Mr. Richards offered that getting the word out on what exactly on Comp. Plan is via media such as newspapers could help attendance to the meetings.

Mr. Stephens talked about how staff and the Commission would try and make the message more about “what can we do” rather than “what do you think of the Comp. Plan.” He also talked about some of the future Subcommittee meetings and how the first few would simply consist of examining the current Comp. Plan.

Mr. Richards mentioned that it is difficult for Mr. Childress to make Subcommittee meetings due to them being scheduled during the work day and circumstances at his occupation. Mr. Richards brought up the possibility of meeting on the weekend to help accommodate the difficulty.

Mr. Stephens stated that he is salary and it would not affect him to meet on a weekend. He added Mr. Anspach is hourly, however. He also mentioned that he would have to check with the Community Development Director to see how to mitigate the circumstances if necessary. Mr. Stephens went on to discuss ways that the Subcommittee could open the floor for the public to give input during the meetings.

Mr. Richards pointed out that a short open discussion of Subcommittee findings should be done at Planning Commission meetings in the future.

Mr. Stephens added that staff plans to update the Commission on the Subcommittee findings in the form of an item on future agendas.

7. Old Business

Mr. Stephens discussed the work being done by staff on the Community Development website. He went into detail about the software being used to create the Citizen Connection among other things related to the website updates.

Ms. McPhail spoke about the one-page Agricultural Advisory Committee Outline and how the members of the committee would need to be named by agriculture specific industries, including but not limited to the Clemson Extension Office, such as the cattlemen, poultry, and beekeepers; specifically related to production agriculture. Other possible organizations she mentioned were the President of the Oconee County Farm Bureau or designee; a member of Oconee Water Conservation District and two at-large member selections from perhaps the school district or the Economic Alliance. She also mentioned that a quarterly meeting would not be a regular enough schedule.

Mr. Stephens responded that the selection process could be similar to the process of the Scenic Highway Committee's selection.

Mr. Lyle added that he thought it would be appropriate to include a Planning Commission member on the potential agricultural committee.

Mr. Richards encouraged the idea that the committee collaborate somehow with the Economic Alliance.

Mr. Stephens added that the staff for the agricultural committee would be a little extensive, possibly including Oconee Economic Alliance Executive Director, Richard Blackwell or Community Development Director, David Stokes in addition to himself and Mr. Anspach. He also suggested looking at a total of no more than 9 members for the Committee

Ms. McPhail motioned to recommend that County Council consider creating an Oconee County Agricultural Advisory Committee

Ms. Heller seconded the motion. The motion passed unanimously.

8. New Business

Mr. Stephens explained that the next meeting date was set for Monday, May 5 at 6:00 PM.

9. Adjourn

Mr. Honea motioned to adjourn.

Mr. Lyle seconded the motion. The motion passed unanimously. 7:40 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.

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