

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

AGENDA

6:00 pm, Monday, December 3rd, 2018

Council Chambers - Oconee County administrative complex

1. Call to Order
2. Invocation by County Council Chaplain
3. Pledge of Allegiance
4. Approval of Minutes – 11/19/2018
5. Public Comment for Non-Agenda Items (3 minutes per person)
6. Staff Update
7. Planning Commission's 2019 Calendar
 - a. Public Comment for Agenda Item (2 minutes per person)
 - b. Discussion / Vote
8. 2020 Comprehensive Plan
 - a. Public Comment for Agenda Item (2 minutes per person)
 - b. Discussion / Vote
9. Riparian protection
 - a. Public Comment for Agenda Item (2 minutes per person)
 - b. Discussion / Vote
10. Old Business
11. New Business
12. Adjourn

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 achapman@oconeesc.com.

OCONEE COUNTY PLANNING COMMISSION

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TEL (864) 638-4218 FAX (864) 638-4168

MINUTES

6:00 pm, **Monday, November 19th**, 2018

Council Chambers - Oconee County administrative complex

Members Present:

Alex Vassey
Andrew Gramling
Brad Kisker
Frankie Pearson
Gwen McPhail
Mike Johnson
Stacy Lyles

Staff Present:

Adam Chapman - staff liaison

Media Present:

None

1. **Call to Order**- Mr. Pearson called the meeting to order at 6 PM
2. **Pledge of Allegiance**
3. **Approval of Minutes** – 11/05/2018 - Motion by Mrs. McPhail, with grammatical corrections, seconded by Mr. Kisker, 7-0 approved
4. **Public Comment** - None
5. **Staff Update**

Mr. Chapman updated the Commission about the Farmer and Rancher session that had occurred since the last Planning Commission meeting. Mr. Chapman noted that of the approximately 1000 homes that have been built in the County in 2018 approximately 750 were stick built and almost 350 were mobile home setups. Mrs. Lyles asked if those numbers could be looked at over the last few years to see if a trend exists.
6. **Planning Commission's 2018 Attendance / 2019 Calendar**

Public Comment: None

Discussion: Mr. Chapman provided the Commission with a 2019 holiday calendar that shows conflicts with the Planning Commission's 1 & 3rd Monday schedule. Mr. Chapman asked the Commission to look at the 2019 calendar and give some feedback at the next meeting. Mr. Chapman, working on the member's stipends, asked the members for their schedule for the remaining December meetings.
7. **2020 Comprehensive Plan**

Public Comment - None

Discussion / Vote: Mrs. Lyles asked about the potential for a joint Planning Commission / County Council and the Consultants for the comprehensive plan meeting in January, and if that meeting could take the place of one of the Commission meetings. Mr. Chapman fielded a date of January 17th for that meeting. Mr. Johnson made a motion to request a joint Planning Commission and County Council meeting on 01/17/19, Mr. Kisker seconded the motion, motion passed 7-0. Mr. Johnson and Mr. Pearson updated the Commission on the meeting they facilitated for the Southern Oconee Improvement Association regarding the comprehensive plan.

8. Riparian protection

Public Comment - None

Discussion / Vote: As per instruction at the previous meeting, Mr. Chapman has gathered some notes and draft ordinances related to the creation of riparian protections within the County. SCDHEC's standards for riparian buffers were included in the backup material. Mrs. Lyles and Mrs. McPhail noted the strict regulations that agricultural operations must meet for riparian protection. Mrs. McPhail noted that Dorchester County, S.C. has a good riparian buffer ordinance. Mrs. McPhail made a motion to have staff create a draft of a riparian buffer for the County, Mr. Lyles seconded the motion, and the motion passed 7-0

9. Agricultural Buffers

Public Comment - None

Discussion - Mr. Chapman noted the process that brought this buffer discussion to the Planning Commission. Mr. Chapman noted that this discussion is because of the setbacks that DHEC has in place of 400' to a shared property line and 1000' to a dwelling unit, regarding confined animal feeding operations (CAFO). Mr. Chapman suggested that the Planning Commission can address these issues through ordinance or through talking with DHEC. Mr. Kisker made a motion that the Agricultural Advisory Board reaches out to the local state delegation to address the standards that DHEC has regarding setbacks for farms. Mr. Pearson seconded the motion, motion passed 7-0. A conversation was had regarding notification of adjacent landowners who move in or intend to build next to a farm. The definition of "farm" was discussed and looked at, from the definition in the S.C. Right to Farm Act. Mrs. McPhail noted that the number one destructive force for agriculture is urban sprawl and encroachment onto farm land. Mrs. McPhail would like the Commission to have a backup plan in the case of agricultural buffers do not come to fruition. Mr. Kisker made a motion to table discussion on agricultural buffers until a future date, Mr. Johnson seconded the motion, the vote was 6-0, in favor of tabling, with Mrs. McPhail abstaining.

10. Old Business -None

11. New Business - None

12. Adjourn - 6:55PM

2019 Holiday Schedule dates to be adjusted for

Current schedule is 1st & 3rd Monday of each month at 6PM

- Martin Luther King, Jr. Day - Monday, January 21

Replace with - Thursday, January 17th?

- George Washington's Birthday / President's Day - Monday, February 18

Replace with -

- National Memorial Day - Monday, May 27

Replace with -

- Labor Day - Monday, September 2

Replace with -

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Sec. 38-11.1. - Lake overlay district.

5. Natural vegetative buffer.

- (i) The natural vegetative buffer shall be established on all waterfront parcels whose property line is located within 25 feet from the full pond contour. Those parcels not meeting these criteria shall be exempt from this standard. A map indicating those parcels to which the standards of this section apply, as well as the status of the establishment of the required buffer, shall be created and maintained as a layer in the county's geographic information system (GIS), and shall be available to the public.
- (ii) The buffer shall extend to a depth of 25 feet measured along a perpendicular line from the full-pond contour (800 feet above MSL for Keowee and 1,100 feet above MSL for Jocassee). Shoreline stabilization shall be permitted provided any soil disturbance or other stabilization activities are supervised and approved by the appropriate licensed design professional and submitted to the zoning administrator. Right-of-way maintenance activities by all utilities shall be exempt.
- (iii) Motorized equipment will be permitted inside the natural vegetative buffer if:
 - a. Required to remove dead or dying trees, as confirmed by a certified arborist, forester or zoning administrator.
 - b. Required for remediation purposes, as permitted by the zoning administrator.
 - c. Required for construction of the 15 percent view lane path or permitted patio/deck.
 - d. Required for work related to installing permitted electrical/water piping into the lake.
 - e. Golf carts and similar vehicles are permitted to utilize the path of the permitted 15 percent view lane(s).
- (iv) All structures and landscaping existing at the time of adoption of this chapter shall be considered as permitted and shall not be considered impediments to the buffer.
- (v) Silt fences: In order to ensure that the natural vegetative buffer is maintained during the development of property, properly installed, entrenched and maintained silt fences are required, before a zoning inspection will take place. The silt fences must begin at or above the vegetative buffer line. Wire backed silt fences are highly recommended and J-hooks, hay bales, grass mats and seeding shall be installed, as needed, at least 25 feet from the full pond contour (800 feet above MSL for Keowee and 1,100 feet above MSL for Jocassee), separating the buffer from the developed area, until the completion of construction. The county may mandate additions of any or all of these options at any point during construction.

If the silt fences and other measures, listed above, fail to prevent an accumulation of silt and other debris in the natural vegetative buffer, the county shall require the responsible parties to install additional control measures. These measures shall be installed in a timely manner to prevent any further accumulation.

Silt that has entered the natural vegetative buffer shall be removed if possible and then the area within the natural vegetative buffer shall be stabilized with pine straw, mulch and/or other planted vegetation.

See subsection (f) for penalties.

- (vi) View lanes: View Lane means the portion of a natural buffer utilized and maintained by the property owner to enhance observation and access of the lake and surrounding landscapes. Typically, the vegetation in the view lane is lower in height and/or smaller in diameter than that found in the rest of the buffer. The view lane may be up to 15 percent of the vegetative buffer either as one contiguous lane or multiple smaller lanes.
- (vii) Allowed development within the vegetative buffer: Paths of permeable or impermeable construction are permitted within the natural vegetative buffer provided they are no wider than six feet. Turnarounds are permitted within the 15 percent view lane. Any path is considered a part of the allowed 15 percent view lane. Patios or decks, without permanent vertical features other than those required for safety or building code standards, are permitted but may not be more than 100 square feet and must be part of a contiguous 15 percent view lane. Electrical and water lines may be installed through the natural vegetative buffer provided they run within the permitted 15 percent view lane and meet all applicable building codes.
- (viii) Vegetation removal: No trees larger than six-inch caliper at four feet from the ground shall be removed unless certified to be a hazard by a registered forester or arborist. Trees may be limbed up to 50 percent of their height. A removal plan shall be submitted for approval. Invasive species may be removed in such a manner that does minimal damage to surrounding native vegetation. Trees that are clearly dead or dying may be removed with the permission of the zoning administrator. Existing vegetation, outside of the allowed 15 percent view lane, may be under-brushed. This under-brushing may not utilize herbicides, fertilizers or other chemicals and may not increase run-off throughout the natural vegetative buffer. Vegetation within the allowed 15 percent view lane may be maintained to the property owner's standards provided it does not create or contribute to runoff entering the lake or adjacent properties and the maintenance does not utilize herbicides, fertilizers or other chemicals.
- (ix) Vegetation mitigation: The following mixture of plants for every 2,500 square feet of the natural vegetative buffer shall be required if reestablishing the native vegetation or for mitigation purposes:
 - a. Three large maturing shade trees, equally spaced, four-inch or greater caliper at four feet.
 - b. Three understory trees, equally spaced, two-inch or greater caliper at four feet.
 - c. Six small evergreen trees.
 - d. Twenty shrubs or a diverse mix of native plants and unmanaged (uncut below 12 inches and untreated) native grasses where available and suited to the site.
- (x) No new manicured lawns or other managed grasses shall be established within the buffer area. Additionally, no clear cutting or mowing, cultivation activities, fertilization, use of herbicides, fungicides, or pesticides shall occur within the buffer area.
- (xi) In the event that a property owner is unable to establish the said buffer they may request a variance, to be considered at a hearing before the board of zoning appeals, stating the reasons why a buffer cannot be established. The board of zoning appeals may, in its sole discretion, grant or not grant such variance, for good cause shown.

- (e) *Compliance and conflicts:* Compliance with the requirements of this section does not nullify a party's duty to comply with other or more stringent regulations, requirements, or guidelines of a Duke Energy company or affiliate, or any local, state, or federal law or other applicable authority.
- (f) *Penalties:* The intent of the natural vegetative buffer is to protect the natural and built environment within and surrounding Lakes Keowee and Jocassee. All parties owning, renting, or inhabiting property or working on property within the lake overlay are required to work within the intent and the letter of this and all applicable ordinances and standards to protect and enhance the natural and built environments.

A violation of this article is punishable by fine and/or imprisonment in an amount not to exceed the jurisdictional limits granted to a magistrate's court in the county under state law. Additionally, building and zoning permits may be revoked, stop work orders issued, and civil fines levied as appropriate under the circumstances. Further, the provisions, including prescriptions, proscriptions, and penalties contained within the International Property Maintenance Code may apply.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2017-33, § 1(Att. A), 2-6-2018)