

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

## MINUTES

6:00 PM, Monday, May 21, 2018  
Oconee County Council Chambers

### Members Present

Mr. Kisker District 1  
Mr. Gramling District 2  
Mr. Vassey District 3  
Mr. Pearson District 4  
Mr. Johnson At-Large

### Staff Present

David Root, County Attorney  
Adam Chapman, Zoning Administrator  
Media Present: None

### 1. Call to Order

Mr. Pearson called the meeting to order at 6:00 PM.

### 2. Invocation by County Council Chaplain

Mr. Root gave the invocation.

### 3. Pledge of Allegiance

### 4. Approval of Minutes

- a. May 7, 2018
  - Mr. Kisker – Motion
  - Mr. Johnson – Second
  - The motion carried 5-0

### 5. Public Comment for Non-Agenda Items

None

### Staff Updates

Mr. Chapman stated that he also staffs the Agriculture Advisory Board and pointed out some facts. The American Farmland Trust is predicting a 50% need of food, fuel, and fiber by 2050 since 1992 the Country's lost 31 million acres of prime farmland. Oconee County is second in poultry production in South Carolina, 6th in equine, 8th in cattle, 8th in sheep and 10th in agricultural sales for Oconee County.

**7. Discussion on the BZA ad hoc committee's recommendation on notice changes and fee change for BZA hearings.**

**a. Public Comment for Agenda Item**

Mr. Markovich stated that the notice requirements are in the Code of Ordinance and State statute. He also stated he doesn't have any issues with increasing the time limit from 15 days to 21 days, however, have concerns about means of notice because it is laid out in state law and notifying people that don't have standing. Mr. Smith stated the BZA fee structure should be a two-tier system, a high fee for end users that has a market capitalization, the second fee for those that don't have a market capitalization interest. Mr. Codner stated that the summary of the BZA notification requirements that staff has put together is an excellent description of what is necessary for Oconee County.

**b. Discussion**

Mr. Gramling asked how the proposed changes differ from the state requirements. Mr. Chapman stated that the guidelines we follow are not codified and this is what we go by now:

Board of Zoning Appeals Notification Process  
(For Variances and Special Exceptions)

ACTION Legal notice: 15 days in advance of public hearing  
Local newspaper    LEGAL BASIS  
Oconee County Codes/Zoning Ordinance  
Section 38-6.2  
SC Local Government Comprehensive Planning Enabling Act  
Section 6-29-790 and 800

Property Posting: one sign per street frontage (on or adjacent to property affected)    SC Local Government Comprehensive Planning Enabling Act  
Section 6-29-790

Letter notification to property owners within 250' radius of subject property    Oconee County unofficial policy. This requirement does not appear in County code. State law does not require notice to individual property owners.

Written notice of regular meetings at beginning of each calendar year

SC Freedom of Information Act (S.C. Code 30-4- 10)

Agenda is posted at least 24 hours prior to a BZA meeting at County office

SC Freedom of Information Act (S.C. Code 30-4- 10)

Notify persons, organizations and news media that request meeting notifications    SC Freedom of Information Act (S.C. Code 30-4- 80)

Mr. Chapman stated that this is what the ad hoc recommended:

38-6.3 Board of Zoning Appeals notification process- AD-HOC RECOMMENDATIONS

Public Notification

Planning and Zoning staff shall, at least 15 calendar days before the scheduled meeting:

1. Legal Advertisement - Place a legal advertisement in a local newspaper that:
  - a. Identifies the time, date and location of the board of zoning appeals meeting.
  - b. Identifies the project location requesting the meeting by parcel-I.D. number and physical address, if available.
  - c. Identifies the reason for the meeting.
  - d. Provides County Planning staff contact information

Planning and Zoning staff shall, at least 21 calendar days before the scheduled meeting:

2. Public Signage - Produce a sign, at least nine-square feet in size that identifies the party asking for the BZA meeting, what the BZA meeting is for (variance, special exception), the project location ( address and parcel -I.D.), time and location of the BZA meeting, and a contact phone number of County Planning Staff. The signs should include 4-inch high lettering that states the type of request, VARIANCE, SPECIAL EXCEPTION, or CELL TOWER.

The signs shall be:

- a. Placed, at least one sign, along with each road frontage that abuts the property asking for the BZA hearing, and at least one more sign, as needed at staff's discretion, to provide adequate notification for area property-owners and residents.

3. Adjacent landowner notification -

For a variance request: County Planning staff shall produce and mail letters to all landowners that are directly adjacent to the proposed project site that:

- a. Identifies the proposed project site
- b. Identifies the need for the BZA hearing
- c. Identifies the time and location of the BZA hearing
- d. Provides County Planning staff contact information

For a special exception: County Planning staff shall produce and mail letters to all landowners that own property two parcels-deep from the proposed project site that:

- a. Identifies the proposed project site
- b. Identifies the need for the BZA hearing
- c. Identifies the time and location of the BZA hearing
- d. Provides County Planning staff contact information

Sec. 32-134. - General requirements.

(n) For communication tower applications, balloon testing and computer-generated viewshed analysis/ rendering to provide a visual representation of the proposed structure on the proposed site shall be provided as part of the application package by the applicant.

Sec. 32-133. - Communications tower and antenna permitted.

(a) Determination by community development director or his designated staff representative (collectively "director"). All applications for tower placement must be submitted to the director for review. Applications must be complete and shall include all of the materials required by this article (application requirements) and must meet all applicable requirements and/or conditions in this article before an application will be processed. Incomplete applications will be returned to the applicant. Under the following circumstances, the director may administratively approve applications for placement of towers and associated antennas:

- (1) As a communication tower and/or antenna in any district co-located on existing towers or structures.
- (2) As co-locations on existing electric utility company transmission line towers (such as Duke Power Company towers) which increase the height of the towers by no more than 20 feet.
- (3) As a tower in a site preselected by the board as a recommended location based upon the county's county-wide communication tower site study.
- (4) As an individual communication tower and associated antennas that do not exceed 75 feet in total height.

• *Place a recommendation on the application for a BZA hearing that "Variance and Special Exception applicants should informally meet with property owners potentially impacted by the request to explain the request and answer any questions. This is not mandatory"*

### 38-6.3 Board of Zoning Appeals notification process - STAFF RECOMMENDATIONS

#### Public Notification

Planning and Zoning staff shall, at least 21 calendar days before the scheduled meeting:

1. Legal Advertisement - Place a legal advertisement in a local newspaper that:
  - a. Identifies the time, date and location of the board of zoning appeals meeting.
  - b. Identifies the project location requesting the meeting by parcel-I.D. number and physical address, if available.
  - c. Identifies the reason for the meeting.
  - d. Provides County Planning staff contact information
2. Public Signage - Produce a sign, at least nine-square feet in size that identifies the party asking for the BZA meeting, what the BZA meeting is for (variance, special exception), the project location ( address and parcel -I.D.), time and location of the BZA meeting, and a contact phone number of County Planning Staff. The signs should include 4-inch high lettering that states the type of request, VARIANCE, SPECIAL EXCEPTION, or CELL TOWER.

The signs shall be:

- a. Placed, at least one sign, along with each road frontage that abuts the property asking for the BZA hearing, and at least one more sign, as needed at staff's discretion, to provide adequate notification for area property owners and residents.
3. Adjacent landowner notification - County Planning staff shall produce and mail letters to all landowners within a 250' radius of the project areas property lines that
  - a. Identifies the proposed project site
  - b. Identifies the need for the BZA hearing
  - c. Identifies the time and location of the BZA hearing
  - d. Provides County Planning staff contact information

Sec. 32-134. - General requirements.

(n) For communication tower applications, balloon testing and computer-generated view-shed analysis/ rendering to provide a visual representation of the proposed structure on the proposed site shall be provided as part of the application package by the applicant.

Sec. 32-133. - Communications tower and antenna permitted.

(a) Determination by community development director or his designated staff representative (collectively "director"). All applications for tower placement must be submitted to the director for review. Applications must be complete and shall include all of the materials required by this

article (application requirements) and must meet all applicable requirements and/or conditions in this article before an application will be processed. Incomplete applications will be returned to the applicant. Under the following circumstances, the director may administratively approve applications for placement of towers and associated antennas:

- (1) As a communication tower and/or antenna in any district co-located on existing towers or structures.
- (2) As co-locations on existing electric utility company transmission line towers (such as Duke Power Company towers) which increase the height of the towers by no more than 20 feet.

Mr. Kisker asked Mr. Root if what is being proposed would contradict state law and if the new requirements could get the County in legal trouble for spelling things out. Mr. Root stated that there's nothing that is truly contradictory unless thinking of a 15-day requirement being contradictory with a 21-day requirement they're not equal but it's not going less than State requirements, the 250 foot radius is different it is not in the State law, the size of the sign is different, number of postings is different these are all extras. Mr. Root stated that the purpose was to make sure the notifications are to more not less. Mr. Chapman showed the Commission how the radius is measured through the Assessor's Office mapping tool. The Commission members discussed the word should be replaced with encouraged in regards to having an applicant for a communication tower meet with affected neighbors. Mr. Kisker asked if the 250' radius issue was resolved. Mr. Root suggested changing the word radius to adjacent land owner's notification that the planning staff to notify landowners within 250 feet of the project areas property lines. Mr. Vassey made a motion to approve the staff recommendations with those changes discussed Mr. Gramling seconded the motion. The vote was unanimous 5-0. Mr. Pearson asked for discussion on the fee change for the BZA. Mr. Kisker asked Mr. Root about the difference in fees for a special exception versus a variance. Mr. Root stated they should be correlated at least pretty tightly the fees versus the amount of time it takes to provide the service. Mr. Kisker made a motion to change the fee from \$100.00 to \$200.00 Mr. Pearson seconded the motion. The vote was unanimous 5-0.

## **8. Discussion on clarification of certain code sections bearing on land use and development as contained in Chapters 26, 32, and 38 of the Oconee County Code of Ordinances.**

### **a. Public Comment for Agenda Item**

Mr. Markovich stated that he understands the staff concerns about someone subdividing parcels without going through the proper process and doesn't have any issues with the definitions or submittal. He also stated that under Minor Subdivisions, B. would not be enforceable, and has a problem with one access for three lots.

### **b. Discussion**

Minor Subdivisions: Mr. Johnson took issue with several of the provided points and stated that some of this language is a violation of private property rights. Mr. Johnson asked to table this for a future meeting Mr. Gramling seconded the motion. The vote was unanimous 5-0.

38-9.3: Staff presented a challenge had regarding the language about the Control-Free District being exempt from the same setback requirements that all other zoning districts are held to. Mr. Chapman showed the issue to the Planning Commission. Mr. Pearson made a motion to replace the existing language in 38-9.3 to read "The control free district shall be exempt from the provisions of this section except provisions listed under item (2) Setbacks." Mr. Johnson seconded the motion. The motion passed 4-0 with Mr. Gramling abstaining.

9. Old Business

None

10. New Business

None

11. Adjourn

Mr. Kisker made a motion to adjourn seconded by Mr. Pearson. The vote was unanimous 5-0  
7:06 pm