

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

MINUTES

6:00 PM, Monday, August 20, 2018

Oconee County Council Chambers

Members Present

Mr. Kisker District 1
Mr. Gramling District 2
Mr. Vassey District 3
Mr. Pearson District 4
Mrs. Lyles District 5
Mr. Johnson At-Large

Staff Present

Adam Chapman, Zoning Administrator

David Root, County Attorney

Media Present: None

1. Call to Order

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

2. Invocation by Mr. Root, County Chaplin

3. Pledge of Allegiance

4. Approval of Minutes

- a. August 6, 2018
Mr. Gamling – Motion
Mr. Vassey – Second
The motion carried 6-0

5. Public Comment for Non-Agenda Items

None

6. Staff Updates

Mr. Chapman stated that he obtained the information from the Assessor's office on the largest landowners in Oconee County that being Duke Energy and the USA Department of Agriculture. And that the County had a fairly equitable distribution of land where the largest land owners, once Duke and USDA were removed, only owned 11 percent of the land area of Oconee County.

7. 2020 Comprehensive Plan and Corridor Plan

a. Public Comment for Agenda Item

Mr. Mike Smith stated that he has concerns about the Alta corridor plan scope of work

- a. Steering committee, What is the general oversight of this committee?
- b. Size of the committee to be effective?
- c. who will be the members?
- d. How will Alta advertise?

Mr. Tom Markovich stated his concerns on the 123 Corridor study being to the addition of bike and pedestrian facilities as part of the scope of work.

b. Discussion / vote

Mr. Chapman presented the contract for the Comprehensive Plan and Corridor Plan. Mr. Chapman asked the committee if they want a steering committee or does the commission want to be that committee. The commission noted that creation of a sub-committee was not agreeable at this time. Mr. Kisker asked if this study was just for 123 or for multiple corridors. Staff noted that this was just for 123 and the available money would not cover multiple corridors. Mr. Chapman stated that the input will be from the public meetings and their input will drive the analysis and ultimate study. If commission wanted to direct Alta to focus only on traffic and safety then that could be done, as well.

8. Discussion on clarification of certain code sections bearing on land use and development in specific regards to Sign Code

a. Public Comment for Agenda Item - None

b. Discussion/Vote

Councilman Glen Hart, Oconee County District 5 - Mr. Hart noted that while he was driving to the meeting he noticed signs on the Beltline (Wells Highway) that are larger than current County standards permit. He spoke to the fact that the signs currently there would not have been permitted if the current ordinance was in place. Mr. Hart mentioned that signs and billboards are protected by the first amendment of the United States Constitution. Mr. Pearson asked for clarification regarding Mr. Hart's request and Mr. Hart stated he does not like the 75 square foot size for signs and it should be increased to 332 square feet, on two-lane roads. Mr. Pearson asked Mr. Hart if he had a specific roadway in mind regarding these regulations and Mr. Hart said any two-lane road. Mr. Pearson noted that billboards are not permitted on Highway 11 to which Mr. Hart countered that the state sells permits to do exactly that. Mr. Pearson said that billboards are not permitted on Highway 11 and Mr. Hart encouraged Mr. Pearson to drive down Highway 11 because he owns a billboard on Highway 11 that was permitted in 1994. Mr. Pearson said that Oconee County cannot write rules that allow billboards on scenic highways if the State says they are not permitted. Mr. Root noted that prevention of billboards on scenic highways is written in the County's ordinance and the County could change it. Mr. Root explained the difference between signs and billboards and asked Mr. Hart as to which advertising - signs or billboards- he was referring to. Mr. Hart noted that billboards are his primary concern, to increase the size of billboards on two-lane roads. Mr. Hart pointed out several other non-compliant billboards existing on the Beltline prior to the current ordinance becoming codified. Mr. Hart believes the 75 square feet restriction for billboards on two-lane roads is an overreach by the government. Mr. Gramling noted that the portions of the Beltline, that Mr. Hart is speaking of, are in the city of Seneca and that County rules do not impact those areas. Mr. Hart noted other billboards which would be inconsistent with current regulations within the County's jurisdiction. Mr. Hart said that he should have the right, as a

property owner, to place a billboard on his property and it should not be dictated by an overreach. Mrs. Lyles noted that having a billboard on her property, which is on a two-lane road, would be beneficial to her. Mr. Johnson noted he is pro-individual property rights however, he believes the planning commission has a level of responsibility to ask what the future may look like based upon their actions today. Mr. Hart noted that the state has a 1,300-foot distance between billboards regulation. Mr. Johnson pointed out that the distance of 1300 feet puts a sign approximately every 8 seconds as a motorist drives a road. Mr. Johnson believes that this issue should have more public input put into it. Mrs. Lyles noted that there is a scenic difference between driving through the mountains and driving through the farmland and that creating a one-size fits all approach may not be effective or fair in regards to signs and billboards. Mr. Johnson asked Mr. Hart if a 75 square foot sign is as effective as a larger sign. Mr. Hart stated a larger sign would be more effective. Mr. Hart then used the example of Sam's Club in Anderson, SC and how the large sign that changes message every 8-seconds brings in a high rate of income for the sign owner. Mr. Pearson asked staff how many billboard permits have been applied for in the last year and staff was not aware that any billboard permits had been issued in the last 14 months. Mr. Johnson asked the staff if the language before them was the same language that planning commission had previously sent to Council. Staff affirmed this and noted the only changes were organizational and that the height and setback restrictions for signs and billboards were codified. Mr. Johnson believes that neither planning commission or council may know the correct answer for the size and placement of signs and billboards in the County but the people of the County should be given the opportunity to be heard, through the Comprehensive Plan process, to make this decision. Mrs. Lyles asked why the sign code was back before Planning Commission and Mr. Hart noted that he recommended it be sent back to the planning commission to be amended. Mr. Hart feels like the current sign code regulations are a governmental overreach. Mr. Root informed the planning commission of how, procedurally, the ordinance would move from planning commission to the council and be codified. Mr. Root gave an example of how the planning commission could move forward in recommending changes. Mr. Root also pointed out that the County owned industrial parks, which are on two-lane roads, have different signage requirements than the County ordinance. Mr. Kisker asked the difference between the proposed ordinances the existing ordinance in regards to two-lane roads. Mrs. Lyles asked when the current ordinance went into effect. Staff noted the ordinance went into effect in early 2017. Staff noted that the only changes to the ordinance, in regards to Mr. Kisker's question, were that the organization had been improved and the setback and height limitations had been codified. Mr. Kisker asked Mr. Hart to clarify his request and Mr. Hart wants billboards on two-lane roads to be allowed up to 300 square feet, from current 75 square feet. Mr. Hart has concerns about the effects of the sign code and how it may be detrimental to enticing industry to move to the County. Mr. Kisker noted the conflict between the county-owned industrial parks and the county ordinances. Mr. Hart believes this conflict should be removed and the sign size increased. Mrs. Lyles noted that the County should not be able to act differently than the rest of the citizens, in regards to signage restrictions. Mr. Johnson noted that the people of the County should be able to weigh in on this decision by way of the comprehensive plan if the distinction between the right-to-advertise and beautification argument is to be decided. Mrs. Lyles notes that having a billboard highway 11 could be beneficial to the industrial parks and other businesses.

Mr. Gramling made a motion to amend section 32-522(c) of the proposed ordinance in regards to the allowable size of a billboard on two-lane roads from 75 square feet to 350

square feet, Mrs. Lyles seconded the motion. Mr. Kisker believes that the council should recommend a number since this number had been voted upon previously. The vote was two in favor (Gramling / Lyles) and four against (Vassey / Johnson/Pearson /Kisker).

Mr. Johnson made a motion to send a recommendation to Council for the Council to come up with the correct number for the size of billboards on a two-lane road. Mr. Pearson seconded the motion. The vote was four in favor (Vassey / Johnson / Pearson / Kisker) and two against (Gramling / Lyles).

Mr. Pearson made a motion to send the recommendation to Council to have the ordinance read the same as the industrial park covenants in that one wall-mounted sign allowed on each building, overall size not to exceed 20% of the wall area, not to exceed 350 square feet. Mr.Gramling seconded it; the vote was unanimous in favor.

Mrs. Lyles made a motion to recommend to the council that the language restricting the creation of billboards on scenic roads be struck by the Council. Mr. Gramling seconded the motion. The vote was unanimous in favor.

9. Discussion on clarification of certain code sections bearing on land use and development in specific regards to Recreational Vehicle Parks

a. Public Comment for Agenda Item

Mr. Markovich stated that this is a land development regulations it is not a zoning ordinance and that the language referring to the zoning administrator as the enforcer of these regulations should be changed.

b. Discussion/Vote

Mr. Chapman stated that he added language requested at the past meeting that speaks to temporary Parks under the section titled "exclusions". Mr. Pearson made a motion to change the enforcement from the Zoning Administrator to the Director of Community Development or designee. Mr. Johnson seconded the motion. The motion passed 6-0. Mr. Johnson asked if the State law states the language about "30 days to appeal the decision of the Zoning Board of appeals" or is that a local ordinance. Mr.Root noted it is a state ordinance that has been put into our County code.. Mr. Johnson asked if anything has changed about the number of units permitted and why the number "4" for the definition of Parks. Mr. Chapman stated that the requirements are in line with road standards, although there are no road standards in this ordinance. Mr. Johnson stated that under the uses permitted that "shall" should be change to "are permitted". Mr. Chapman noted he would clean up the language as requested and bring it back at the next meeting.

10. Old Business

None

11. New Business

None

12. Adjourn

Mr. Johnson made a motion to adjourn and Mr. Vassey seconded the motion. The motion passed 6-0. 7:14 pm