

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

## MINUTES

6:00 pm, Monday, October 1st, 2018

Council Chambers - Oconee County administrative complex

### Members Present:

Frankie Pearson

Alex Vassey

Gwen McPhail

Andrew Gramling

Mike Johnson

Brad Kisker

1. **Call to Order**- Mr. Pearson called the meeting to order at 6PM
2. **Invocation by County Council Chaplain**
3. **Pledge of Allegiance**
4. **Approval of Minutes** – 09/06/2018 - Motion by Mrs. McPhail, seconded by Mr. Gramling, 6-0 approved
5. **Public Comment for Non-Agenda Items (3 minutes per person)** - None
6. **Staff Update** - None
7. **2020 Comprehensive Plan**
  - a. **Public Comment for Agenda Item** - None
  - b. **Discussion / Vote**

Mr. Chapman updated the Commission on the work being done towards the first set of Comprehensive plan related meetings.
8. **Discussion on I-85 Overlay in specific regards to the Fairplay Village and Fairplay Village Center sub-districts**
  - a. **Public Comment for Agenda Item** - None
  - b. **Discussion / Vote**

Mr. Chapman updated the Planning Commission on the background of this overlay district and the issues related to opening a business in the Fairplay sub-districts of the I-85 Overlay. Mr. Chapman noted that the intent was to allow the residents of Fairplay to have control over their community however the way the law was put on paper is overly cumbersome. Based upon research by Mr. Chapman he concluded that the mention of “Appendix A” of the Oconee County Code of Ordinances, for all non-agricultural and non-residential uses was an oversight and the intent was to allow the BZA to utilize the protocols of “Appendix A” if the BZA saw fit. Mr. Root gave the procedural posturing of the need for a report back to Council regarding the propose amendments. Mrs. McPhail made the motion, Mr. Kisker seconded the motion, and the motion passed 6-0
9. **Discussion on Protection of Agricultural Lands**
  - a. **Public Comment for Agenda Item**
    1. Dr. Sandra Gray, member of the Oconee County Agricultural Advisory Board - Dr. Gray noted that agricultural uses are often incompatible with residential uses. The best buffer between agricultural land and residential land is horizontal separation. The increasing residential sprawl could negatively impact organic farms and chemical free farms. Should the burden be placed on farms when

residential uses encroach upon state regulated buffers taking more agricultural lands out of production?

2. Dr. Tim Drake, Clemson University, State Etymologists - This issue, of agricultural lands being encroached upon, is a state and nation wide issues. Dr. Drake noted that certain chemicals used by farmers have regulations that preclude their use within a certain distance of residences. This built in usage requirement often times takes hundreds of acres out of production when homes are built adjacent to agricultural properties. Dr. Drake is in favor of imposing regulatory setbacks when adjacent to agricultural lands. Dr. Drake noted that spray drift from residences next to organic farms this could ruin an organic farms certifications. Even not next to organic, herbicides sprayed next to agricultural lands could ruin non-organic crops as well. Dr. Drake recommends a 100' vegetated buffer for residences and larger buffers around school and other community facilities. Dr. Drake handed out some research materials for the Commission said.

3. Tim Donald, Farm Bureau - Mr. Donald believes 100' buffer is a bare minimum for a buffer. Mr. Donald noted that poultry is the largest section, economically, for Oconee County. DHEC regulates poultry houses to be 400' from a property line and 1000' from a residence. Encroachments of residences are harming farms. Mr. Donald noted that the Farm Bureau is bringing language before the state legislature that requires any new development adjacent to an existing farm that the new development has to meet all the same setbacks that the farm has to adhere to. Current regulations are squeezing out the farms and preventing the farms from planning for the future. Since the Poultry Bill for the State originated in Oconee County, creation of buffers starting in Oconee County would set a standard for the state.

4. Debbie Sewell, member of the Agricultural Advisory Board - Mrs. Sewell noted that residences adjacent to farms should have to meet the same setbacks as the farm. Mrs. Sewell noted that neighbors using pesticides don't use them with the same care that farmers are required to.

b. Discussion / Vote

Mr. Pearson asked Mr. Donald what the current DHEC setbacks can be used for. Mr. Donald noted they could graze it and in some cases spread chicken litter. Mr. Donald noted that they are highly regulated. Mr. Johnson asked if there is a size or density in questions. Mr. Chapman noted how this came before the Planning Commission. Mr. Johnson noted that the Planning Commission has to balance personal property rights versus the need for a securer food supply and future for agriculture. Mr. Johnson asked if a buffer is the best solution or can zoning be utilized? Mrs. McPhail noted that when residences come in on their own property it still impacts farmer's lands. Mr. Donald noted that a waiver is a possibility if setbacks for CAFO are not possible. But that requires two willing parties, but that is not always forthcoming. Dr. Drake noted that the law regarding setbacks does not differentiate between a family house or a new subdivision regarding setbacks. Dr. Drake reasoned his suggestion of 100' pertained to chemical application and not necessarily animal rearing. The state has strict protocols about drift of chemical applications from farms onto adjacent properties. Mr. Pearson noted that weather the setback is on the farmer or residence, that being taxed on property that is not buildable is not right and should not be the norm. Dr. Drake noted that in other states where buffers are required developers utilize these vegetated buffers as a positive addition to the development. Mrs. McPhail noted that it makes sense to have the rest of the population follow the same rules the farmers have to follow. Mr. Kisker noted that almost 17% of the land area of the county is zoned agricultural and that any decision made needs to realize the amount of land impacted and asked for some maps and data provided. Mr. Johnson requests that

the Agricultural Advisory Board provides more information for the Planning Commission to look at. Mr. Johnson noted that farms are businesses and like any other business they need to know the rules before they get into the business however with the setbacks being dependent on the neighbors usage is worthy of the Planning Commission's time. In the interest of the future of agriculture, Mrs. McPhail noted, buffers from residences should not lessen the ability of farmers to farm their land. Mr. Kisker asked Mr. Root if this legislation would be lawful. Mr. Root noted that there is precedent in other states for this kind of language and drafting of the language would have to be done carefully. Mr. Chapman noted that he will bring sample legislation, maps and other information from the AAB.

10. Old Business / New Business - None

11. Adjourn - 7:15