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Meeting agenda  
Monday October 18, 2021 5:00pm

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1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of minutes October 4, 2021
5. Public comment for non-agenda items (4 minutes per person)
6. Commission member comment
7. Staff comments
8. Development Standards discussion
9. Adjourn

**Oconee County  
Planning  
Commission**

Council Chambers  
415 South Pine Street  
Walhalla, S.C. 29691

[www.oconeesc.com](http://www.oconeesc.com)

YouTube: "YourOconee"

**Staff contact**

846-638-4218  
[planninginfo@oconeesc.com](mailto:planninginfo@oconeesc.com)

*If you are not able to attend in person and you have a comment, you may submit it by contacting the Planning Department at [planninginfo@oconeesc.com](mailto:planninginfo@oconeesc.com) or 864-638-4218, so that we may receive your comment and read it into the record.*

**BOARD MEMBERS**

Mike Smith, Chairman, District I  
David Nix, District II  
Pat Williams, At-Large

Frankie Pearson, Vice-Chairman, District IV  
Alex Vassey, District III  
Gary Gaulin, District V  
Mike Johnson, At-Large

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



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

## Minutes

5:00 pm- Monday, October 4, 2021

Council Chambers - Oconee County Administrative Complex

### Members Present

Alex Vassey  
Mike Smith  
Pat Williams  
Gary Gaulin

Mike Johnson  
Frankie Pearson  
David Nix

### Staff Present

Vivian Kompier  
David Root

### Media Present

Lauren Pierce – The Journal

1. Call to order – Mr. Smith called meeting to order at 5:00 PM.
2. Invocation was led by Mr. Gaulin.
3. Pledge of Allegiance was led by Mr. Smith.
4. Approval of minutes for September 20, 2021 - Mr. Gaulin made a motion to approve the minutes for September 20<sup>th</sup>; seconded by Mr. Pearson. Mr. Smith called for a vote; motion was approved unanimously 7/0.
5. Public comment (non-agenda items)
  - a. Matthew Durham, Oconee County Council Member – apologized to Commission members for not having face-to-face introductions with each member. Mr. Durham thanked Commission members for spending time away from their family to serve the citizens of Oconee County. Mr. Durham encouraged Commission members to consider citizens' personal and property rights as they perform their duties; to ask themselves if their proposals make it harder for someone to live in Oconee County.
  - b. Benny Luce, Citizen, RV Park Operator – Mr. Luce expressed his disagreement with the proposed revisions to the RV Park Ordinance discussed during the September 20<sup>th</sup> Planning Commission meeting. Mr. Luce specifically disagreed with limiting the length of time for site rentals, stating he didn't understand the Commission's reasoning.
6. Commission member comments – Mr. Root advised the Chair, Mr. Smith, that the agenda should be amended to include Commission member comments. Mr. Pearson made a motion to add

Commission member comments to the agenda. Mr. Smith seconded the motion. Mr. Smith called for a vote. The motion passed unanimously 7/0.

- a. Mr. Pearson commented on the RV Park Ordinance revision. Mr. Pearson explained that the revision has been sent back to Planning & Economic Development Committee for review. The RV Park Ordinance was for new, not existing, RV Parks, unless the owner added to the footprint of the park. Mr. Pearson added that the original intent of the ordinance was to address safety concerns regarding the accessibility for emergency services.
  - b. Mr. Smith stated that the development of a Tiny Homes Ordinance is progressing. He also continues to gather information regarding curb cuts.
7. Public Hearing on an amendment to Ordinance 2021-19 “an ordinance amending chapter 32 of the Oconee County Code of Ordinances, in certain limited regards and particulars only, regarding the establishment of development standards in relation to lighting, screening, and buffering; and other matters related thereto.” Mr. Smith provided a little history of this draft ordinance. In October 2020, the Planning Commission passed the ordinance and sent it to the Planning & Economic Development Committee in November 2020. The Planning & Economic Development Committee passed the ordinance and sent it to the County Council. However, the ordinance was not placed on the County Council’s agenda for unknown reasons. In mid-2021, the ordinance was placed back on the Planning Commission’s agenda for information purposes only as it had already been passed. The ordinance went back to the Planning & Economic Development Committee and was passed again and sent back to County Council. County Council returned the ordinance back to the Planning Commission for a public hearing. Mr. Smith noted that there have been no revisions to the ordinance since it was originally passed in October of 2020. Mr. Smith outlined the rule of order that would be followed during the meeting:
- Planning Commission members should refrain from making comments during public comment and should neither enter into debate or gesture with the public or other members of the Commission during the public hearing.
  - There is no time limit for public comments.
  - At the conclusion of the public comment, the Planning Commission chairperson will close this phase of the public hearing.
  - A discussion by the Planning Commission members will follow.
  - The Chairman will call for a motion and when seconded, a formal discussion on the motion will follow.
  - There will be a vote on the motion and the chairperson will announce the results.
  - The results of the hearing along with a summary will be forwarded to County Council for their action

#### Public Comment

- a. Tony Adams, Citizen – Mr. Adams stated that while he respects the need for zoning, standards and codes, he believes the subject ordinance is an example of unnecessary government overreach. Mr. Adams argued that the County Comprehensive Plan is used as a fill-in-the-blank prescription for people who see something that is aesthetically displeasing to them. They then go to the Planning Commission to get something done. Mr. Adams stated that the Planning Commission should leave a small footprint as possible on private property rights.
- b. Debbie Sewell, Chair of Agricultural Advisory Board – Ms. Sewell stated that the subject of buffering around agricultural and forestry land has long been an item of discussion for the Agricultural Advisory Board. Ms. Sewell read a portion of the attached letter of support from the Agricultural Advisory Board into the record.

- c. Chris Lynch, Citizen – Mr. Lynch described himself as a knot in the middle of a tug-of-war rope. Mr. Lynch stated he is not a fan of rules and regulations, but he believes that the planned sewer line down HWY 11 to Fair Play will undoubtedly open up the area to massive developments. Without some rules or regulations in place, Mr. Lynch is concerned about the adverse effect unregulated developments will have on the natural beauty of the County.
- d. David Root, Oconee County Attorney – Mr. Root advised the Chair, Mr. Smith, that the legal ad for this hearing was published on September 14, 2021. After reviewing Chapter 32, the section this ordinance is written under, Mr. Root found that a 30-day prior notice to public hearings is required. As a result, the Planning Commission must notify the public 30-days prior to holding a public hearing for it to be lawful. Therefore, there must be a second public hearing with a 30-day prior notice. The recommendation and/or summary of the Planning Commission cannot be sent to County Council without holding a 30-day prior notice public hearing. Mr. Smith asked if the meeting should be terminated at this point. Mr. Root advised Mr. Smith to make a motion to direct staff to properly notice the second public hearing. There is no need to disgorge, get rid of what was said so far; it will be incorporated into the next public hearing and will be included in the minutes of the next meeting. In the end, the County Council will get a report on two public hearings and recommendation of the Planning Commission. Mr. Root acknowledged the lengthy journey of this ordinance so far and hates the idea of delaying it any longer, but warned that it could be attacked on this technicality if passed by County Council. Mr. Root summarized that his recommendation would be to make a motion for staff to properly notice a second public hearing with 30-day notice and schedule it for November. Mr. Johnson asked if the Commission Members are allowed to have a discussion on this day regarding public comments. Mr. Root confirmed that this is a legitimate public hearing and discussion is properly on the agenda and therefore members should consider all comments presented. Mr. Root explained that if someone were to make the motion to direct staff to properly notice a public hearing for November and if that motion was seconded, the Commission Members could discuss anything that is relevant to this ordinance. The discussion would help frame-up the next public hearing, which Mr. Root encouraged.
- e. Mr. Smith, Chairperson of Planning Commission - Mr. Smith read the attached letters into the record as part of the public hearing.
- f. Motion and Discussion – Mr. Root stated the proper language that should be used for the motion. “Direct staff to properly notice a public hearing consistent with Chapter 32 Sec. 226 of the Oconee County Code of Ordinances.” Mr. Root advised that a Commission Member could make a motion “as stated by me,” someone could second it and then open up for discussion about the ordinance. Mr. Smith made a motion to approve the motion Mr. Root constructed. Mr. Pearson seconded the motion. Discussion followed:
  - i. Mr. Gaulin asked for clarification on the history of this ordinance. Mr. Smith explained that the ordinance went from the Planning Commission to the Planning & Economic Development Committee where they approved it and passed it to the County Council, but it never got there. Then it came back to the Planning Commission and Mr. Smith put it on the agenda just as information and the minutes of the meeting verified that the Planning Commission approved the ordinance. The Planning Commission sent it back to the Planning & Economic Development Committee and they approved it and sent it to the County Council. The County Council sent it back to the Planning Commission for a public hearing. Mr. Smith confirmed that today’s meeting is the first and only public hearing to date for this ordinance. Mr. Smith added that if the ordinance makes it to the County Council, there will be a public hearing in front of the Council after three readings of the

- ordinance. Including the hearing on this date, there will be three public hearings on the ordinance. Mr. Root interjected that after the Planning Commission's second public hearing, the Commission can conclude in their report that they no longer support the ordinance, but the Commission must send it back to County Council or risk being outside their charge from Council. It must go back to Council for them to deliberate on it as Mr. Durham spoke about earlier. He also confirmed that there will be three public hearings on this ordinance.
- ii. Mr. Johnson ask Mr. Root if the Commission was correct in holding a public hearing through Chapter 32 or was Chapter 38 involved and was the Commission proceeding incorrectly. Mr. Root stated that the ordinance was originally within Chapter 38 under the previous Planning Director, but it's a better fit in Chapter 32. He went on to say that this goes back to a bigger problem the County is going to have until there is some effort to create a unified development standard that brings chapter 32 and 38 together, as they are sometimes at odds with one another. What the Commission is trying to accomplish with this proceeding is meeting the requirements in both chapters. Chapter 32 requires the public hearing and Chapter 38 requires your report and recommendation. The ordinance fits better within Chapter 32. Mr. Root addressed Mr. Markovich's statement that was read into public comment, stating that there will be a public hearing to satisfy Chapter 38 in front of Council and the ordinance's intent is not rezoning.
  - iii. Mr. Williams asked for confirmation that there needed to be a 30-day notice for this meeting and would the 30-day clock start clicking from the date the original notice was posted (September 14<sup>th</sup>). Mr. Root advised that a new legal ad must be posted and the 30 days would be from the date that the ad is posted.
  - iv. Mr. Smith called for a vote on the motion. The motion passed 7/0.
- g. Mr. Smith stated adjournment was in order. Mr. Johnson disagreed, stating that the previous discussion was for the motion regarding the direction of staff. Members still have the opportunity to discuss the comments brought before the Commission tonight. Mr. Gaulin stated that a motion will need to be made and passed before such discussion can take place. Mr. Root interjected that the Commission does not need to amend the agenda, but should a motion to bring the ordinance to the floor for discussion, adding that no action can be taken from the discussion. Mr. Pearson made a motion to bring the ordinance back to the floor for discussion purposes. Mr. Smith seconded the motion. Mr. Johnson stated he believes that the motion should be approved so that Commission members can share their thoughts on the ordinance with those citizens who were in attendance. Mr. Smith called for a vote. The motion passed 7/0. Discussion followed.
- i. Mr. Johnson thanked all in attendance. He stated that he is a huge proponent of private property rights, but he believes that this ordinance is relevant when one considers the growth the County is experiencing at this time. Mr. Johnson added that change is happening and we have the opportunity to help structure that change. Mr. Johnson argued this ordinance protects citizens that are here and citizens that are moving here mainly with respect to lighting. Mr. Johnson used the example of a commercial entity setting up shop next to his home and their big bright lights shining into his bedroom window. This ordinance allows for a property owner to open his commercial business but protects his neighbor by requiring the business to keep his bright lights shining on the parking lot, not into the home next door. This ordinance requires property owners to manage their property within in their property, while not disturbing their neighbors. Mr. Johnson feels that the ordinance is strong the way it is

- written and a lot of time was taken to consider the possibilities. However, he welcomed people to share any opposing examples they might have.
- ii. Mr. Nix questioned some of the wording in the ordinance "...nuisance by projecting or reflecting objectionable light skyward..." Mr. Nix asked what is objectionable; who defines that? And why is there an issue with flashing lights? Mr. Johnson asked Mr. Nix if he had ever seen strobe lights and what kind of flashing light would he not want to see in his house. Mr. Nix replied there were a lot he wouldn't mind seeing. Mr. Pearson stated that he believed that wording was added because there was an issue in Westminster with a drugstore with a flashing light. Mr. Nix then asked about the guidelines on buffering. Mr. Nix stated that property of less than .5 acres and those between .5 and 2 acres are not developments and the required amount of buffering was disproportionate. Mr. Johnson explained that the definition of development in that context was not a subdivision, but the development of land. Mr. Nix stated that the required amount of buffering is excessive, particularly for smaller pieces of property, and the requirement will make it difficult for many in the County to develop stuff on a small scale basis. Mr. Smith asked Ms. Kompier if the County had sliding scales for other guidelines that are similar to this. Ms. Kompier advised that a sliding scale is used when applying setbacks on lots—depending on size. Mr. Smith referred everyone to item #1, paragraph 2 of the ordinance, "The buffer and screening requirements may be waived or modified between adjacent property owners by agreement and pursuant to a special exception granted by the Oconee County Board of Zoning Appeals." This language provides a mechanism to waive the buffer requirements. Mr. Nix questioned the authority of the Board of Zoning Appeals in this arena. His understanding is that the Board of Zoning Appeals can interpret the rules as written, they cannot relieve people from their requirements of the rules. Mr. Gaulin stated that if the ordinance is adopted, the Board of Zoning Appeals is the avenue for individuals to appeal and specifically if the two property owners agree that the buffering is not needed/wanted. Mr. Nix restated that he did not believe that was not consistent with how the system is set-up. Mr. Root explained the item 1 paragraph 2 establishes a rule that allows a new pathway for a special exception to be considered. Generally, the Board of Zoning Appeals has jurisdiction, quasi-judicial jurisdiction, over three types of hearings—appeal a staff decision, special exception, and a variance. So within this new rule, if adopted by Council, it would allow a new avenue if the parties—adjacent landowners—come to an agreement that they do not want to have the rule binding upon them, could take their decision to the Board of Zoning Appeals for a special exception. The Board of Zoning Appeals would consider the normal special exception criteria, within which would be the fact that the two parties agreed on the waiver. Mr. Root added that this was how he interpreted the rule and he believes it works within the jurisdiction of the Board of Zoning Appeals. He acknowledged that it was not iron clad for future land owners and changes in use. Those circumstances could be difficult but it would go back to how the property owners who have requested a special exception would manage it if there were changes. Mr. Johnson stated if buffering is an issue then he would hope that citizens would attend the future public hearings to express their concerns. Mr. Nix urged the public to review the proposed ordinance, and specifically delineate what their issues are with it; provide specific examples. Mr. Nix stated that he believes the ordinance will create a hardship for those who want to develop their land. Mr. Johnson stated, as a developer on the Commission, it is important to consider the effects of the ordinance on both properties involved, protecting the rights of both

owners. Mr. Nix agreed with Mr. Johnson's statement, but he feels there are things in the ordinance that are vague that leaves a lot of room for interpretation. And this is where the Commission needs public comment. Mr. Gaulin commented on Mr. Nix's question regarding the meaning of "objectionable lighting." Mr. Gaulin stated that it might be worthwhile to have some sort of measurement to determine what is considered objectionable and possibly establish a standard. Mr. Vassey suggested it would be helpful to look at some of the earlier meetings when the ordinance was being drafted. He remembers there being detailed descriptions of the lighting. Mr. Vassey added that he believes this is an important ordinance and believes that it protects property rights, especially those who are the established property owners. He also believes that the Commission could tighten up some of the language in the ordinance. Mr. Root asked for clarity on Mr. Vassey's suggestion on looking at earlier meetings. Did Mr. Vassey want past minutes? Mr. Vassey stated if he had the dates of the meetings he could look at minutes or watch the archived videos of the meetings. Mr. Root explained that his goal is that within the package that the Commission will send to Council, the ordinance will not be changed, but the Commission can note the comments that Mr. Nix made regarding the nature of the special exception, any additional public comments that he has elicited, and certainly recommendations on how to clarify definitions like "objectionable." You can include recommendation to refine the ordinance or make it better. Mr. Smith asked Ms. Kompier if she recalled anything that is buried in an ordinance that refers to lighting. Ms. Kompier pointed to the sign ordinance, stating that flashing lights are mentioned as well as illumination. Mr. Nix called attention to another example of vague wording, "The purpose of screening is to provide a visual screen between dissimilar uses." He noted that we do not define the word dissimilar. Mr. Vassey and Mr. Johnson attempted to explain the definition of dissimilar by using examples. Mr. Williams described a personal situation where Blue Ridge Electric just replaced his yard light with a new energy efficient light that is much brighter than the old one. He loves it, but his neighbor has complained that the light is quite bright. He asked how this new ordinance would affect him? Mr. Johnson stated that he doesn't remember ever discussing brightness. Mr. Vassey stated that in Mr. Williams example, that would fall on Blue Ridge Electric, not Mr. Williams. Mr. Vassey reiterated that looking back at prior meetings regarding the ordinance may bring clarity to many of the questions. Mr. Williams cautioned that the Commission should be careful not to put an undue burden on Blue Ridge Electric and Duke Energy. Mr. Gaulin expressed concern that all the information that was discussed in the previous meetings was not included into the ordinance. Again, Mr. Vassey stated looking back could prove to be helpful. Mr. Gaulin agreed it would be helpful to understand standards, but added it is still a problem that the specifics were not included in the ordinance to avoid confusion and interpretation. Mr. Pearson asked Mr. Root if the Commission could make changes they have been discussing to the ordinance before sending it back to the Council. Mr. Root advised that there was a couple of ways to do that. The easiest way to keep things flowing is to put the discussion of the ordinance on the agenda of the intervening Planning Commission Meeting prior to the next public hearing. The discussion could be used to develop a proposed revision, essentially a version B. The public hearing scheduled for November 15<sup>th</sup> would still be on the current draft, but the public could also see what the Commission is considering in version B. After the second public hearing, the Commission can decide to state in their recommendation to Council that version B is really what is preferred. Then Council can adopt those

amendments. This process is the best way to keep the process linear. Mr. Gaulin asked if the Commission can pass the original version and recommend that the Council improves it as they have the resources. Mr. Root disagreed, stating that he believes the Planning Commission has more resources because this fits within the focus area of the Commission—land use, development standards—whereas the Council as a thousand different focus areas. He added that he believed the Commission is in a better position to get the details. He also noted that County Council will be the final arbiters regarding adoption of the ordinance, but the Commission should give the Council as much information as they think will be helpful. Mr. Johnson agreed that this is the Commission’s wheelhouse and he believes they should be dealing with. At the same time, he believes the information gathered at all public hearings is an important part of refining the ordinance. Mr. Vassey stated that he believed the Commission had been given another opportunity to take another look at the ordinance.

- iii. Mr. Smith made a motion that they end the discussion. Mr. Johnson seconded the motion. Mr. Smith called for a vote. The motion passed 7/0.
- iv. Mr. Vassey made a motion to add the discussion of the ordinance to the next Planning Commission meeting. Mr. Pearson seconded the motion. Discussion followed. Mr. Johnson argued that the Commission should wait until after the public hearing to consider changing/refining the ordinance. Mr. Smith disagreed, stating that the Commission had gathered information from this meeting that they should consider and possibly make adjustments to the ordinance. Then the public can voice their opinions at the next public hearing that may drive more adjustments of the ordinance. Mr. Pearson agreed that the Commission should begin their discussion on what the Commission feels is appropriate for the public to comment on. Mr. Johnson asked Mr. Root for clarification on which version of the ordinance would Council consider. Mr. Root confirmed that the ordinance before them is the only operative version; it is the only version the Council can consider. However, part of this process is that Council get a report and recommendation from the Planning Commission. As part of that report and recommendation, could be exhibit/version B. Mr. Smith acknowledged the importance of the summary that goes forward to Council from the Commission. Mr. Root confirmed that after public hearing, the Commission could add additional changes to the ordinance. Mr. Pearson asked for clarification on the time sensitivity of when the Commission must send the ordinance to Council; did the recommendation have to be sent immediately to Council after the public hearing or could the Commission take some time to incorporate any new changes. Mr. Root recommended that after the public hearing, the Commission should make every effort they can to have Version B ready. But if the Commission is unable to finish, the subsequent meeting could be used to finalize the report and send it to Council for consideration. Mr. Root believes that holding the intervening meeting and refining the ordinance will help move the process along. Mr. Gaulin stated for clarity that the public hearing date will be November 15, 2021, giving the Commission two regular meeting prior to the public hearing. Mr. Smith called for a vote. The motion passed 7/0.

- 8. Adjourn – Mr. Pearson made a motion to adjourn; seconded by Mr. Johnson. Mr. Smith called for a vote. Motion passed unanimously 7/0 at 6:18 PM.

Debbie Sewell, Chair  
Oconee County Agricultural Advisory Board  
415 South Pine Street  
Walhalla, S.C. 29691

Oconee County Planning Commission  
415 South Pine Street  
Walhalla, S.C. 29691

RE: Ordinance 2021-19

Dear Planning Commission

The Agriculture Advisory Board Supports Ordinance 2021-19 establishing Development Standards related to Lighting, screening, and buffering on new non-residential, multifamily, and mixed-use development.

Lighting:

Light Standards in this Ordinance address artificial light and resulting light pollution, when followed these standards would lessen the negative effects of lighting in new Developments on neighboring agriculture, forest, and residential properties.

The effect of artificial light and light pollution is particularly important in agricultural and forested areas where the health of the surrounding ecosystem is critical for sustainability of farmland and forests. Increasing evidence suggests that artificial light at night has negative even deadly effects on plants, insects, amphibians, birds, and mammals.

Artificial light also causes light pollution. The 3 main types of light pollution are glare, light trespass, and skyglow. Glare is produced by unshielded lighting and can cause hazards on roadways and neighboring property. Light trespass occurs when unwanted light shines into or on neighboring properties or roadways. Skyglow is the combination of all the reflected light, and upward-directed unshielded light escaping up and into the sky, obstructing the view of the night sky.

Mitigating artificial light and light pollution by making appropriate lighting choices, shielding lights properly, and using lighting only where it is needed improves the health of the ecosystem, protects the view of the night-sky, and saves resources.

Screening and buffering:

Screening and Buffering Standards in this Ordinance address the critical spaces between new development and neighboring agriculture, forest, and residential properties.

Screening and buffers provide physical space separating land-use activities, reducing the impact of new development on existing properties. Screens and buffers are beneficial to both the existing property and the new development. This “space” enhances visual interest, screens

undesirable views and noise, filters air pollutants and odors, increases and protects sensitive habitat areas, increases effectiveness of biological pest control, and creates a safe environment. These Development standards improve the environmental health, aesthetics, and enjoyment on both unique properties and typically, higher property values are realized on both.

The approval of these standards meets several of the goals outlined in the Agriculture Elements of the Oconee County Comprehensive Plan. The Ordinance also exempts Agricultural, and Forestry uses and activities from these standards as defined by the SC Right to Farm Act.

The Agricultural Advisory Board supports these proposed Development Standards and will advise County Council to approve Ordinance 2021-19.

Thank you for your consideration,

Debbie Sewell,

Agricultural Advisory Board

**Laura Zimmerman**

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**From:** Cyd <kayakjeepgirl@yahoo.com>  
**Sent:** Monday, October 4, 2021 11:46 AM  
**To:** Planning Info  
**Cc:** Mike Smith; Vivian Kompier  
**Subject:** Statement in support of development standards

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

**Thank You for this opportunity.**

**I'm retired US Navy, have traveled this world and wanted to come back here because it was one of the most beautiful hanging mountain lake areas I've seen.**

**You don't have to go very far to see the destruction of some surrounding counties.**

**And I take it very seriously because as you know we are one of the last best places left on this earth to see.**

**I don't like telling anyone what to do with their land but we have to have standards for what's left of this god given earth.**

**You have a rare opportunity to get this right and possibly be a blueprint for others.**

**Council members should be here for all of our citizens not just a select few.**

**I'm not here to ask for anything special except for everyone to take a moment and look far into the future and realize what is at stake.**

**I understand about tax revenue and I know we can do more to help make life better for underserved communities.**

**I ask you where is the money going? Our roads are not only dangerous but embarrassing.**

**We have homeless children we have vulnerable older citizens who go without food. Don't we have an obligation to help take care of them first before begging more people to move here?**

**Conserving areas will also bring in more tax dollars.**

**I'm also part of a group that has been testing our headwaters and they are testing just as you see them. Clean and clear.**

**Make no mistake, what happens here will be impacting millions and millions of people, plants and creatures downstream.**

**We shouldn't be advertising to come see these rare and endangered species with one hand and pulling them out with the other.**

**We should be focusing on more ways to get our current populations more involved with helping one another, citizen science, trash cleanup, conservation and preservation.**

**And let's please take a break from destroying our farmlands.**

**If we're just giving developers another place to destroy how does that help anyone?**

**Ask your children and grand children which they would rather be left with, money at the expense of everything or clean drinking water, pure mountain views, pristine trails and opportunities for**

**everyone to see these treasures for themselves?**

**Because we truly are one of the best places left on this earth to see.**

**So please let's keep it that way.**

Happy Trails,  
Cydney Phillips

Sent from my iPhone

~ Perhaps the truth depends on a walk around the lake ~ Poet Wallace Stevens

~ The violets in the mountains have broken the rocks ~ Tennessee Williams

Oconee County Planning Commission  
415 S. Pine Street  
Walhalla, SC 29691

October 4, 2021

Re: Public Hearing – Ordinance 2021-19

Planning Commission Members,

I am not able to attend the meeting and Public Hearing tonight due to some out-of-town business. However, I do have comments concerning Ordinance 2021-19, an Ordinance amending Oconee County Code of Ordinances Chapter 32.

First, the title of the Public Hearing is misleading, it appears that what was returned from the County Council to the Planning Commission is actually an Amendment to the Oconee County Code of Ordinances Chapter 38. Discussion of this matter by the Planning Commission in a Public Hearing is a violation of the Oconee County Code of Ordinances, Chapter 38-8.2; “County Council shall conduct all required public hearings for amendments and rezoning.” The Planning Commission can and should discuss zoning matters as a regular agenda item, but no such item is on the regular agenda.

Second, this proposed amendment will be in conflict with zoning regulations already in the Code and doesn't amend those other regulations.

Sincerely,

Tom Markovich

**Laura Zimmerman**

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**From:** Rob Aulebach <rmauva@aol.com>  
**Sent:** Saturday, October 2, 2021 10:57 AM  
**To:** Planning Info  
**Subject:** Oconee Development Standards

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Dear Planning Commission and Council  
Members:

I want to commend the Planning Commission for the hard work that's gone into this proposed Development Standard. It is balanced, thoughtful and written to easily understand

A property owner in Oconee County since 2006 I want to express my enthusiastic support for the adoption of the enhanced development standards. I have been disappointed that the county has been so slow to keep up with the rapid development in the county and not update our standards to ensure the continued beauty, property values, and environmental protections of the area. These changes are a great start and I ask that you please approve these modifications.

Sincerely,

Robert Aulebach

**Laura Zimmerman**

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**From:** Terry Keane <jtk7140@gmail.com>  
**Sent:** Thursday, September 30, 2021 9:00 AM  
**To:** Planning Info  
**Subject:** Development Standards

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Dear Planning Commission and Council Members:

As a long time Oconee County resident and retired architect I want to express my enthusiastic approval for the adoption of development standards. I have long been dismayed that the county is so far behind the curve in the adoption of reasonable standards to ensure the continued beauty, land values, and general attractiveness of the area. I think this is a great start. Please approve these modest measures.

Sincerely,

James (Terry) Keane

Sent from my iPad

## 38-9.6 Development Standards: Lighting, Screening, and Buffering.

The purpose of these standards is to encourage and maintain a harmonious living and business environment between the new development and existing residential, multifamily, agricultural, or forestry uses, the following standards shall be applicable to all developments indicated herein.

### 1. Applicability

The owner or their lawfully designated agent of new non-residential, multifamily, and mixed-use developments being developed adjacent to existing residential, multifamily, agricultural, or forestry uses shall be responsible for the installation and maintenance of the lighting, buffering, and screening standards set forth below.

The buffer and screening requirements may be waived or modified between adjacent property owners by agreement and pursuant to a special exception granted by the Oconee County Board of Zoning Appeals.

#### Definitions

**Lighting:** Equipment made for illumination.

**Screening:** The use of plant materials and other landscape or architectural elements used separately or in combination to obscure views.

**Buffer:** A portion of property designated to mitigate impacts between land uses or transportation routes or to protect water features from pollutants.

Development means any manmade change to improved or unimproved real estate including, but not limited to: new homes, building structures, dredging, filling, grading, paving, or excavation operations.

### 2. Lighting

Lighting devices for lighting of horizontal development such as roadways, sidewalks, entrances and parking areas, and all other outdoor fixtures installed for the permanent illumination of signs, landscaping, and buildings shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light skyward, onto a neighboring property or onto a public roadway. Flashing lights are prohibited. Reference to chapter 38, appendix A and a light plan may be required by the Planning Director or their designated representative.

### 3. Screening and buffering

Screening and a physical separation (buffer) must be provided at least the entire length of the proposed development plus twenty-five percent (25%), or up to the entire length of the shared property line, as determined by the Planning Director or their designee, for the purpose of

screening and buffering adjacent activities from view of proposed projects including but not limited to: buildings, solid-waste, parking and drive lanes, outdoor storage, signage, or lighting.

a. Screening requirements

The purpose of screening is to provide a visual screen between dissimilar uses. The visual screen shall extend from the ground to a height of at least six feet (6'). Not more than twenty-five percent (25%) of the vertical surface shall be open to allow the passage of air, and any such openings shall be designed to obscure visibility. **Required screening should be in place within 180 days when a certificate of completion (CC), or certificate of occupancy (CO) – if required - is issued, For other business activities, the screening shall be by mutual agreement with the Planning Director or their designated representative.**

Unless otherwise required, the following minimum landscaping and screening provisions will apply.

1. A minimum 6-foot-tall wall, fence, berm, evergreen screening plant material, existing **evergreen** vegetation or a combination of wall, fence, berm or evergreen screening plant material, existing vegetation, with a combined minimum height of six feet (6') above grade shall be used for the purposes of screening.
2. If evergreen plant material is used, it must be at least four (4) feet in height at the time of planting and capable of forming a continuous opaque screen at least six (6) feet in height **within one year of planting.**
3. Existing **evergreen** vegetation may be utilized provided it provides the screening required as determined by the Planning Director or their designee.
4. Fences or walls installed for the purposes of screening shall have a “finished” side toward the adjacent or neighboring properties.

b. Buffer requirements

A buffer is a physical separation by distance between the new development and the adjacent property lines. This is not in addition to any underlying zoning district setbacks.

Buffer width

Acreage of proposed use	Minimum size of buffer
Less than 0.5 acres	5 feet
0.5-2 acres	15 feet
More than 2 acres	25 feet

c. Uses permitted in the buffer:

- Vegetation and landscaping
- Storm water drainage easements and any necessary drains, culverts, riprap, etc.
- Permitted signage
- **Paved** Sidewalks
- Shared-use driveways/lanes between adjacent property
- Parking lot stub outs (not parking lots) for the purposes of connectivity

4. Exemptions

- a. Agricultural and Forestry uses as defined by S.C. Code § 46-45-10, et seq., sometimes referred to as the South Carolina Right to Farm Act, and S.C. Code § 48-23-205, et seq., sometimes referred to as the South Carolina Right to Practice Forestry Act.
- b. The screening and buffering requirements are not required in the following circumstances:
- Property lines within/adjacent to public or private rights of ways/easements.
  - Property lines within/adjacent to permanent waterbodies.
  - Multi-tenant malls/town centers/ developments or Planned Development Districts for internal property lines. Property lines adjacent to properties outside of the development are required to adhere to the standards of this ordinance.
  - Private recreation facilities within a residential subdivision and not adjacent to properties outside of the subdivision.

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## **38-9.6 Development Standards: Lighting, Screening, and Buffering.**

In order to encourage and maintain a harmonious living and business environment, the following standards shall be applicable to all developments indicated herein.

### **1. Applicability**

The owner or their lawfully designated agent of new non-residential, multifamily, and mixed use developments being developed adjacent to existing residential, multifamily, agricultural, or forestry uses shall be responsible for the installation and maintenance of the lighting, buffering, and screening standards set forth below.

The buffer and screening requirements may be waived or modified between adjacent property owners by agreement and pursuant to a special exception granted by the Oconee County Board of Zoning Appeals.

Development means any manmade change to improved or unimproved real estate including, but not limited to: new homes, building structures, dredging, filling, grading, paving, or excavation operations.

### **2. Lighting**

Lighting devices for lighting of horizontal development such as roadways, sidewalks, entrances and parking areas, and all other outdoor fixtures installed for the permanent illumination of signs, landscaping, and buildings shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light skyward, onto a neighboring property or onto a public roadway. Flashing lights are prohibited.

### **3. Screening and buffering**

Screening and a physical separation (buffer) must be provided at least the entire length of the proposed development plus twenty-five percent (25%), or up to the entire length of the shared property line, as determined by the planning director or their designee, for the purpose of screening and buffering adjacent activities from view of proposed projects including but not limited to: buildings, solid-waste, parking and drive lanes, outdoor storage, signage, or lighting.

#### **a. Screening requirements**

The purpose of screening is to provide a visual screen between dissimilar uses. Visual screen shall mean a static barrier which shields the neighboring uses from view at normal ground levels. The visual screen shall extend from the ground to a height of at least six feet (6'). Not more than twenty-five percent (25%) of the vertical surface shall be open to allow the passage of air, and any such openings shall be designed to obscure visibility.

Unless otherwise required, the following minimum landscaping and screening provisions will apply.

1. A minimum 6-foot-tall wall, fence, berm, evergreen screening plant material, existing vegetation or a combination of wall, fence, berm or evergreen screening plant material, existing vegetation,

with a combined minimum height of six feet (6') above grade shall be used for the purposes of screening.

2. If evergreen plant material is used, it must be at least four (4) feet in height at the time of planting and capable of forming a continuous opaque screen at least six (6) feet in height, with individual plantings spaced not more than five (5) feet apart.
3. Existing vegetation may be utilized provided it provides the screening required as determined by the Planning Director or their designee.
4. Fences or walls installed for the purposes of screening shall have a "finished" side toward the adjacent or neighboring properties.

b. Buffer requirements

A buffer is a physical separation by distance between the new development and the adjacent property lines. This is not in addition to any underlying zoning district setbacks.

Buffer width

Acreage of proposed use	Minimum size of buffer
Less than 0.5 acres	5 feet
0.5-2 acres	15 feet
More than 2 acres	25 feet

c. Uses permitted in the buffer:

- Vegetation and landscaping
- Storm water drainage easements and any necessary drains, culverts, riprap, etc.
- SCDHEC approved storm water retention/detention areas
- SCDHEC approved septic systems
- Permitted signage
- Sidewalks
- Shared-use driveways/lanes between adjacent property
- Parking lot stub outs (not parking lots) for the purposes of connectivity

**4. Exemptions**

- a. Agricultural and Forestry uses as defined by S.C. Code § 46-45-10, et seq., sometimes referred to as the South Carolina Right to Farm Act, and S.C. Code § 48-23-205, et seq., sometimes referred to as the South Carolina Right to Practice Forestry Act.
- b. The screening and buffering requirements are not required in the following circumstances:
  - Property lines within/adjacent to public or private rights of ways/easements.
  - Property lines within/adjacent to permanent waterbodies.
  - Multi-tenant malls/town centers/ developments or Planned Development Districts for internal property lines. Property lines adjacent to properties outside of the development are required to adhere to the standards of this ordinance.
  - Private recreation facilities within a residential subdivision and not adjacent to properties outside of the subdivision.