



OCONEE COUNTY
PLANNING COMMISSION
415 S. Pine St. Walhalla, SC 29691
864.638.4218
OconeeSC.com
planninginfo@oconeesc.com

COMMISSION MEMBERS

Mike Johnson, At-Large
Teresa Spicer, District 1
Joe Fravel, District 4
Mickey Haney, At-Large

David Nix, District 2
Brit Adams, District 3
Jake Marcengill, District 5

AGENDA

6:00 pm, Monday, December 1, 2025
Oconee County Council Chambers

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of minutes from November 3, 2025
5. Public Comment for *Non-Agenda Items* (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Planning Commission 2026 Meeting Calendar
 - a. Discussion / Vote
9. Staff confirmation regarding clarification for Section 26-6 items 4 and 5.
 - a. Public Comment
 - b. Discussion / Vote
10. Discussion regarding Encroachments in Section 26-7 (e)
 - a. Public Comment
 - b. Discussion / Vote
11. Discussion regarding the changing of the Right of Way requirements on Private Roads from the 32' ROW to match the Private Drive distance of a 20' ROW.
 - a. Public Comment
 - b. Discussion / Vote
12. Adjourn

The meeting will be broadcasted live on the County's YouTube channel, which can be found on the County's website at www.oconeesc.com.

Rev. 07/2025



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STAFF

Elise Dunaway

MINUTES

6:00 pm, Monday, November 3, 2025
Oconee County Council Chambers

1. Call to Order – Mr. Johnson called the meeting to order at 6:00 PM.
2. Mr. Johnson made a motion to amend the agenda to include the appointment of a new secretary. Seconded by Mr. Haney. Approved unanimously.
3. Mr. Johnson made a motion to appoint Elise Dunaway as secretary. Seconded by Mr. Nix. Approved Unanimously.
4. Invocation was led by Mr. Nix
5. Pledge of Allegiance was led by Mr. Haney
6. Approval of minutes from, October 20, 2025 – Mr. Nix made a motion to approve the minutes; Seconded by Mr. Marcengill. Approved unanimously.
7. Public Comment for Non-Agenda Items (4 minutes per person): None
8. Commission Member Comments:
Mr. Nix thanks Mr. Haney for all his work putting all documents together the last several meetings.
9. Staff Comments: None
10. Continued discussion regarding necessary changes and review of markups (see backup materials) to Oconee County Code of Ordinances Chapter 32, Article VI Unified Performance Standards, and Chapter 26, in order to, among other issues, prepare draft versions of the chapters for the County council to review and consider.

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a. Public Comment:

Mr. Tom Markovich discusses items within Chapter 26 of the code of ordinances.

b. Discussion / Vote:

Mr. Johnson made a motion to include the provided the either/or options for Chapter 26-2 (b) 12, Chapter 26-2 (c) 10 and Chapter 32-223(c); Seconded by Mr. Johnson. Approved Unanimously.

Mr. Haney made a motion to delete the definition of half road from Sec. 32-22; Seconded by Mr. Nix. Approved Unanimously.

Mr. Nix made a motion to change the definition of road to “Street means a public (unless context clearly states otherwise) thoroughfare including the full width of the right of way, therefor”; Seconded by Mr. Haney. Approved Unanimously.

Mr. Farvel made a motion to have Section 32-220 (b) read “The planning director approves a minor or family transfer subdivision, containing no new roads, after reviewing the final plan”; Seconded by Mr. Haney. Approved unanimously.

Mr. Haney makes a motion to add “or designee” where the county engineer is listed in Chapter 26; Seconded by Mr. Nix. Approved Unanimously.

Mr. Nix made a motion to remove “case by case bases” in Sec. 26- (b); Seconded by Mr. Farvel. Approved Unanimously.

Mr. Johnson made a motion to replace South Carolina Department of Health and Environmental Control with SCDES in the Sec. 32-212 under Traditional Septic Systems definition; Seconded by Mr. Farvel. Approved Unanimously.

Mr. Johnson made a motion to direct staff to ask Roads and Bridges what the correct distances is for collector roads and apply the corrected distance in both locations. Seconded by Mr. Nix. Approved Unanimously.



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Mr. Johnson made a motion to direct staff to compare Sec. 26-6 items 4 and 5 to ensure no changes have been made other than the addition of "or designee" as previously voted on; Seconded by Nix. Approved Unanimously.

Mr. Johnson made a motion to hand the document off to Mr. Root for final draft and for Mr. Root to come back with comparison documents. Seconded by Mr. Nix. Motion withdrawn.

Mr. Haney made a motion to change private road to 20ft width and have the same verbiage as private drives in the Section 26-2. Seconded by Mr. Nix. Mr. Haney withdrew his motion. Mr. Johnson abstained from discussion and vote.

Mr. Nix made a motion to put the discussion regarding the changing of the Right of Way requirements on Private Roads from the 32' ROW to match the Private Drive distance of a 20' ROW. Seconded by Mr. Haney. Approved unanimously. Mr. Johnson abstained from discussion and vote.

11. Adjourn – The meeting was unanimously adjourned at 6:42 PM.

Planning Commission	
Date	Makeup
1/5/2026	
2/2/2026	
3/2/2026	
4/6/2026	
5/4/2006	
6/1/2026	6/4/2026
7/6/2026	7/9/2026
8/3/2026	
9/7/2026	9/10/2026
10/5/2026	
11/2/2026	
12/7/2026	
1/4/2027	

Call special meeting if necessary

Sec. 26-7. Regulating the use of county roads.

(e) Encroachment.

- (1) All persons desiring to excavate within, encroach upon, or in any way alter a county maintained road and/or right-of-way, shall notify the county engineer and submit to the county road department an application for an encroachment permit, together with the required fees and security as determined and established periodically by county council. Notice will be given by the applicant to the county at least 48 hours prior to initiating such work, and only after receiving an approved permit from the county. A schedule of required fees and securities shall be available for review from the county road department. No person may excavate within, encroach upon, or in any way alter a county maintained road or right-of-way without the written approval, in advance, by approved permit, of the county engineer. In determining whether to approve any such request, and issue a permit, the county engineer will consider all factors, including the needs of the applicant, as well as the needs of the county, including, without limitation, good engineering standards, the need to maintain county rights-of-way and keep them open, the convenience of the traveling public, the applicant's compliance with previous permits, including temporary permits, and policies of the county, and other similar professional considerations, including, without limitation, the provisions of the encroachment permit policy (encroachment permit policy) which is maintained by the Oconee County Road and Bridges Department and approved by county council from time to time and is included herein by reference. The county engineer may impose restrictions on any granted approval and permit under this section, consistent with such professional considerations; including, without limitation, up to and including temporary suspension or permanent revocation of such permit, for failure to comply with the permit terms or these policies. Any appeal from any decision of the county engineer under this section will be treated as a request for a variance from road standards and handled in accordance with the procedures of section 26-8 of this Code.

Oconee County Council shall, from time to time, approve the county's encroachment permit policy, including, without limitation, the policy itself, as well as the encroachment permit application form, and the schedule of fees for the application of the policy. The initial encroachment permit policy, encroachment permit application form, and fee schedule are attached as exhibits to this section, and are hereby approved. For minor nonsubstantive revisions, the county, acting by and through the county council, may revise the policy, application form, or fees, as it desires, in the future by simple resolution of county council, and may include the fees schedule in the schedule of departmental fees that is contained in a proviso in the annual county budget ordinance. More substantial, and all substantive revisions to policy, application form, and fees must be revised by county council ordinance, including, without limitation, the annual county budget ordinance.

- (2) Upon completing the permitted activity, the applicant shall restore the county maintained road and/or right-of-way to its original condition (except for any permanent alteration approved by county permit, and through a county-granted right-of-way or easement), insuring that all repairs conform to the requirements contained in the SCDOT standard specifications for highway construction and the encroachment permit policy. Eighteen months after the permitted activity is satisfactorily completed, the security shall be returned to the applicant provided the county engineer, upon final inspection, approves the repair. If the county engineer deems the repair to be unacceptable, the security shall be retained by the county and used to properly repair and restore the road and/or right-of-way to its original condition. Once the road and/or right-of-way has been properly repaired, any excess security will be returned to the applicant, it being understood that, in one form or another, all costs of encroachment upon, or any alteration of a county maintained road or right-of-way shall be borne by the applicant.

- (3) Driveway aprons and mailbox turnouts abutting county maintained roads are encroachments, subject to the provisions of this section, and will be the responsibility of the property owner, as to construction and maintenance, subject to the provisions of subsection 26-7(b), and subject to the caveat that if the county constructs or manages a road project, driveway aprons and mailbox turnouts may be part of the project, subject to the terms of such subsection 26-7(b).
- (4) Violation of the encroachment permit policy is a violation of this Code and is punishable by civil fine of \$500.00/day/violation. Each and every day of a continuing violation shall be deemed a new and separate offense. Failure to pay any civil fine levied hereunder shall constitute a violation of this Code and shall be punished in accordance with section 1-7, hereof.

Editor's note(s)—The Oconee County Roads and Bridges Department Encroachment Permit Application and Policy are incorporated herein by reference as if fully set out at length. A copy is on file and available for inspection at the offices of the county.

Pickens County

Sec. 32-134. - General procedures.

(a)

Upon notification, employees of the department of roads and bridges will make the following determinations concerning the proposed driveway:

(1) Verify that the proposed driveway conforms to all planning and addressing requirements. Reference the E-911 Ordinance Number 259, as amended, and the Development Standards Ordinance Number 304, as amended.

(2)

The proposed driveway will be at an approved location with adequate line of sight distance in both directions. (If the proposed location is not approved, the property owner will be so notified and, should no suitable alternate location be agreed upon, the county will have no further involvement with its construction);

(3)

Whether or not a pipe will be required for conveying roadside drainage flows through the proposed driveway location;

(4)

The driveway pipe size and length;

(5)

Whether or not the county can proceed with pipe installation and tie-in construction. (If the proposed driveway tie-in area is at an exceedingly steep slope either upward or downward from the road shoulder, grading operations will first be required by the owner).

(b)

The owner shall be notified of the determinations made and shall be informed of the amount of installation fee required for the tie-in construction. The installation fee will be dependent upon the size and length of pipe required. If no pipe is required no fee will be charged. The fee amount will be established by resolution of county council.

(c)

After the owner has paid the installation fee, the department of roads and bridges shall schedule construction of the driveway tie-in to commence as soon as possible. The initial construction shall consist of laying of pipe, shaping of tie-in area (from edge of pavement to edge of right-of-way or approximately 15 feet), and, under normal conditions, furnishing suitable earth fill and gravel cover. In situations requiring large quantities of fill, the owner may be required to furnish the fill.

(d)

When gravel driveways are to be maintained by the owner, the county may later provide an asphalt surface for approximately 15 feet if needed to protect the road pavement edge.

(e)

When concrete driveways are to be constructed by the owner, it is mandatory that the concrete be terminated at the edge of the road right-of-way or approximately 15 feet from the road pavement edge. Upon notification that the concrete driveway has been completed, the department of roads and bridges will schedule the paving of the tie-in from the road edge to the concrete edge. The property owner shall be responsible for the repair and maintenance of concrete driveways.

(f)

When asphalt driveways are to be constructed by the owner, it is requested that the driveway be paved to the edge of the road pavement. This will eliminate construction joints and will make a more suitable driveway.

(g)

Once the tie-in has been approved, the pipe has been laid, and the county has completed construction, all

maintenance of the tie-in area shall be performed by the county. This includes any future requirement for replacement of pipe, etc. Alterations of the tie-in area or roadside drainage ways must be approved by the county.

Owners who make alterations without such approval shall be required to return the area to its original or an acceptable condition.

(h)

On any tie-in which has not been approved by the county, and which is constructed by the owner using privately obtained materials, the county accepts no maintenance, responsibility or liability. Should such a privately constructed tie-in create drainage problems or hinder roadside maintenance needs, the owner will be required to make needed alterations. Should the owner refuse to do so, the county will take whatever steps deemed necessary to protect the integrity of the roadway or to alleviate damages to other property owners caused by the subject tie-in.

December 1, 2025

Subject: Support for County Rights of Way and Their Role in Public Safety

To: Chairman Johnson and Oconee County Planning Commission members:

I am writing to express my strong support for the County's continued recognition and protection of established rights of way. These public access routes are essential to the safety, accessibility, and overall well-being of our community.

Rights of way play a critical role in ensuring that emergency services can reach all areas without delay. Fire trucks, ambulances, and law enforcement rely on these corridors to respond quickly during emergencies. In times of fire, medical crises, or natural disasters, uninterrupted access can save lives and protect property.

These routes are also vital for evacuation planning, utility maintenance, and long-term infrastructure development. In wildfire-prone areas especially, rights of way support fire prevention efforts and enable the rapid deployment of firefighting resources. Their preservation is not just a matter of convenience—it is a matter of public safety.

Additionally, rights of way support essential public services and help maintain orderly growth and development. They reflect a thoughtful balance between private property interests and the broader needs of the community, ensuring that residents remain connected and emergency access is never compromised.

I encourage the County and Planning Commission to continue prioritizing the preservation of these rights and to actively communicate their purpose to the public. Maintaining these corridors demonstrates a clear commitment by you to safety, accessibility, and good planning.

Additionally, I really don't think you want to be the group responsible for recommending such drastic reductions in rights of way. If there were a safety crisis that occurred, caused by this change, the blame and accountability would fall on your shoulders. I hope you all take your roles and responsibility seriously and leave such changes alone.

Thank you for your attention to this important matter and for your continued leadership in protecting the interests and well-being of our community.

Sincerely,

Gary Owens

Salem, SC

Please read my comments aloud at the Monday Dec. 1 Planning Commission Meeting.

My name is Linda Lovely and I've lived in Oconee County for 24 years. I have no problem with the proposed shrinking of required right-of-ways on private roads **IF** all deeds on adjacent properties come with black-box warnings, similar to the ones on cigarette packs. They should read: **"WARNING: Purchase of this property may endanger your health and safety."**

Firefighters and emergency workers along with ordinary citizens packed earlier public hearings regarding efforts to shrink road right-of-ways. Since public opposition was totally disregarded, few people may attend tonight's meeting. Last go-round, I provided photos showing the crowded chaos when firetrucks and emergency vehicles responded to a fire on Luther Land Road. Even with vehicles pulled onto that road's 50-foot right-of-ways, only a narrow exit passage remained. I can't imagine the challenge firefighters & EMS would face on roads with a 20-foot right-of-way.

The only "taking" involved in this proposed code change is public safety. It is being sacrificed so developers can boost profits by shoehorning more minimum-size lots into parcels. The losers are the ultimate homeowners. Perhaps, initial buyers will be aware of the potential safety hazards and infrastructure risks associated with the proposed scrawny right-of-ways. But future buyers may not. This change is eroding the right of these homeowners to live in safe neighborhoods.

Beyond public safety issues, critical with catastrophes, the impacted homeowners may be unable to access the utilities they want if there's no room in crowded public right-of-way space. To add utilities in future years—whether it's natural gas, fiber-optics, or tomorrow's upgrade—homeowners may need to plead with neighbors to grant easements, which may not be granted.

This is a terrible idea dressed up as a property-rights issue.