



OCONEE COUNTY COUNCIL
ABSTENTION FORM

Council Member Name:

George Blanchard

(Please Print)

Council Member Signature:

George Blanchard

Meeting Date:

12/2/08

Item for Discussion/Vote:

Minutes for 11/18/08 meeting

Reason for Absention:



I was not present for original meeting/discussion.

I have a personal/familial interest in the issue.

Other:

E. G. Hulse

Elizabeth G. Hulse
Clerk to Council

[This form to be filed as part of the permanent record of the meeting.]

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BRADLEY A. NORTON

KAREN F. BALLENGER

MEMORANDUM

Date: December 1, 2008
To: Oconee County Council Members
Dale Surrent
Oconee County Administrator
From: Bradley A. Norton
County Attorney
Issue: Ordinance 2008-19, New Road Ordinance

Between second reading and this public hearing, a number of cosmetic changes have been made, but the changes are not substantive. The big substantive change is Article 5 in the new ordinance, which starts on page 17. Section 1 of Article 5 deals with the upgrades of existing county roads. Under this provision, the County Engineer, in conjunction with the Planning Commission, will devise a priority upgrade list. This list will include all county roads within the Primary Development Area in the County, which will be designated in 2009 on the Future Land Use Map. The roads will be prioritized based on the factors set forth in Article 5, Section 1 (c). The list will be reviewed on an annual basis. The Planning Commission's role in this is now required by state law. This section kills two birds with one stone. First, it requires

the County to plan when it will upgrade existing county roads. Second, it helps us comply with the new state planning laws by including the Planning Commission in this process.

Article 5, Section J (f) is an effort to take away some of the sting of Article 5, Section 2, which requires developers to upgrade roads in their development that will have an adverse impact on existing county roads. Subsection F, allows the developer to receive reimbursement for the capital outlays for the upgrade of the road. The developer will receive ten (10%) percent of any incremental tax increase as a result of the development. This will not reduce county revenue. The developer is simply getting ten (10%) percent for the increased county revenue as a result of the development. It will also include ten (10%) percent of any rollbacks that would be paid by the developer in the event that the property is rolled back. The developer will receive ten (10%) percent of the incremental tax increase for a period of ten (10) years or until they received one hundred (100%) percent reimbursement, which ever occurs first. This would be accomplished by individual contracts with the developer on a case-by-case basis.

Section G allows a subdivider to move up on the priority paving list if the developer agrees to do a ten (10%) percent of the development (or its equivalent elsewhere) in affordable housing. This provision is again being placed in the ordinance to comply with the state laws concerning land development.

State of South Carolina
County of Oconee County
ORDINANCE 2008-19

"AN ORDINANCE TO CREATE UNIFIED ROAD STANDARDS ORDINANCE FOR THE UNINCORPORATED AREAS OF OCONEE COUNTY AND REPEALING CERTAIN ORDINANCES AND RESOLUTIONS"

WHEREAS, Oconee County has in the past adopted standards regulating various aspects of construction and maintenance activities on public roads; and

WHEREAS, County Council must from time to time review and amend said standards to account for changes resulting from growth and development, as well as to better manage anticipated changes and avoid imposing negative impacts on the citizens of Oconee County; and

WHEREAS, it has become necessary to establish standards for certain private roadways to assist developers in providing safe roads; and

WHEREAS, the County Engineer and his/her designee possess the technical expertise to insure compliance with all standards related to road design and construction, both public and private; and

WHEREAS, standards related to road construction may be found in a number of Oconee County ordinances, potentially confusing those individuals needing to determine specific requirements for roads in Oconee County; and

WHEREAS, County Council desires to publish applicable regulations in a logical and consistent format to enable the public to easily access and understand all standards applicable to their needs;

NOW, THEREFORE, be it ordained by the Oconee County Council that the "Road Standards Ordinance" setting forth the following standards is hereby established. The following Ordinances and Resolutions are hereby repealed:

Ordinance 1975-03	An Ordinance to Regulate Use of County Roads and Prohibit their Destruction and/or Obstruction
Ordinance 1982-14	An Ordinance Establishing the Acceptance of Roads in Subdivisions and Repealing Ordinance 1982-6
Ordinance 1983-03	Acceptance of Certain Roads in Subdivisions
Ordinance 1991-09	An Ordinance Establishing Criteria for Accepting Roads Other than Subdivision Roads for County Maintenance And Repeal Ordinance 1982-7
Ordinance 1999-14	Portions that deal with Roads only
Ordinance 2002-05	Portions that deal with Roads only

Ordinance 2003-07	An Ordinance Amending Ordinance 1982-14, An Ordinance Establishing the Acceptance of Roadways in Subdivisions
Ordinance 2006-11	Regulating the Use of County Roads
Ordinance 2006-20	Portions that deal with Roads only
Resolution 2001-18	A Resolution Establishing the Sewing Criteria Pertaining To Paving Existing County Roadways
Resolution 2007-09	A Resolution Authorizing the County Administrator to Accept Right of Ways on behalf of Oconee County
Resolution 2008-11	Criteria for Road Improvement Projects in Oconee County

Article 1. General Provisions

These General Provisions shall apply to both Private Roads and Drives and Public Roads.

1. Survey Standards

Route surveys and plats shall be prepared and survey data entered thereon in accordance with the most recently adopted version of the "Minimum Standards Manual of the Practice of Surveying in South Carolina" established by the SC Board of Registration for Professional Engineers and Land Surveyors; provided that all elevations information shall refer to Mean Sea Level Datum or other established datum (with a minimum of two benchmarks). Accuracy of plats and attendant data shall be no less that than required in said manual for Class B Suburban Land Surveys.

2. Utilities

When utilizing a road right-of-way, all utility lines shall be buried at a depth of at least thirty six (36) inches. Such lines shall be located a minimum of two feet, outside the portion of the road to be surfaced to prevent having to cut into the paved surface or reconstruct drainage structures to serve abutting properties. In order to prevent future road cuts, utility stub-outs shall be added to all utility lines extending beyond the roadway to each property line.

3. Road Signs

Road name signs shall be installed at all intersections within a subdivision. All other signs shall be installed as required by and at the direction of the County Engineer or his/her designee. All signage will be in accordance with the Manual of Uniform Traffic Control Devices. The developer shall be responsible for all cost of road signage for private drives, private roads, and proposed county roads (at a cost determined by resolution of County Council from time to time) prior to acceptance of road by Oconee County. Any person who shall willfully or maliciously damage, deface, remove or otherwise tamper with a sign erected by a subdivider or the county designating the name

of any county road shall be guilty of a misdemeanor and punished in accordance with this Ordinance. In addition thereto, such person shall be liable to the county for the cost incurred by the county as a result of said criminal acts.

4. Submission of Road Plans

Construction plans for roads shall include accurate topographic information with increments of no more than five (5) feet. In addition, all such plans should note the following items: the location and dimensions of all drainage features; routes of surface water drainage for the entire development; a typical cross section of the proposed roadway; road profiles; horizontal and vertical curve designs; right-of-way dimensions; the location of all cuts and fills; finished grade elevation; all necessary erosion control practices, which may include but are not limited to, permanent vegetation, lined or piped ditches or vegetated waterways; and contact information of all interested parties.

5. Road Alignment and Location

The direction and pattern of roads shall take advantage of the land contour to eliminate or reduce excessive cutting and filling, and provide roads with reasonable grades.

Article 2. Private Road Standards and Regulations

1. Private Driveways

Private driveways shall serve no more than three (3) residential dwellings, and shall be maintained by the property owner(s). No design standards shall apply to private driveways, but driveways must comply with applicable Building and Fire Codes.

2. Private Drives

All private drives existing and in use at the time of adoption of these regulations, as well as those private drives under construction prior to the time of adoption, shall be exempted from the standards contained in this section. This exemption shall also extend to those private drives approved by the Planning Department prior to the time of adoption. All other private drives shall:

- (A) serve no more than ten (10) lots or dwellings;
- (B) have a minimum road right-of-way of fifty (50) feet, or an appropriately executed private roadway easement as defined by these regulations;
- (C) have an appropriate encroachment permit from either Oconee County or the South Carolina Department of Transportation;
- (D) have a minimum driving surface width of twenty (20) feet constructed of no less than five (5) inches of compacted crushed stone or gravel base; a minimum height clearance of thirteen and one-half (13½) feet; and appropriate documentation

- from a professional engineer licensed by the State of South Carolina certifying the maximum weight limit of any bridge or culvert located along the drive. All bridges and any culvert over which a private drive crosses a perennial stream must include appropriate signage (located at each end of the bridge) displaying the structure's weight limits;
- (E) be maintained by an individual, association of property owners, or commonly held by the property owners fronting the private drive;
 - (F) comply with all current fire regulations and codes;
 - (G) shall serve no more than ten (10) dwellings, and shall connect to another road, either public or private, on one end only. In the event proposed construction and/or development will result in an existing private drive serving eleven (11) or more dwellings, the existing drive shall be upgraded so as to meet the standards put forth in these regulations for private roads;
 - (H) parcel boundaries may extend to centerline of the road, with the appropriate road right-of-way shown on all plats and deeds;
 - (I) be named in accordance with adopted E-911 Addressing regulations and procedures;
 - (J) allow at least one hundred (100) feet of sight distance for each ten (10) miles per hour of the posted speed limit where the private drive intersects a public road. The sight distance shall be measured from a seeing height of three and one-half (3½), offset fifteen (15) feet from edge of road, to an object four and one quarter (4¼) feet in height above the grade of the public road, as stated in SCDOT's 1996 Access and Roadside Management Manual. If the proposed drive does not meet the sight distance requirement, a waiver must be signed by the individual(s) constructing the private drive stating that the property owner(s) is liable and responsible for any accidents, injuries, problems, and property damage resulting from improper sight distance;
 - (K) meet all applicable storm water management and sediment control regulations;
 - (L) be approved in writing by Planning Commission or designated staff prior to submission of plat(s) to the Register of Deeds for recording. The following shall be prominently printed on the plat(s):

"THE ROAD RIGHT-OF-WAY SHOWN ON THIS PLAT SHALL BE PRIVATE DRIVES NOT OWNED, MAINTAINED OR SUPERVISED BY OCONEE COUNTY, AND WERE NOT CONSTRUCTED PURSUANT TO ANY PLAN FOR FUTURE ACCEPTANCE BY OCONEE COUNTY. ROAD RIGHT-OF-WAYS SHOWN UPON THE PLAT SHALL NOT BE ACCEPTED FOR MAINTENANCE BY OCONEE COUNTY AT ANY TIME IN THE FUTURE UNLESS CONSTRUCTED IN ACCORDANCE WITH ALL ADOPTED OCONEE COUNTY REGULATIONS. MAINTENANCE OF THE RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF

- (M) Signage shall comply with the Manual for Uniform Traffic Control Devices.

3. Private Roads

Private roads shall provide vehicular access and road frontage to developments, or sections of developments, containing more than ten (10) dwellings. All private, non-dedicated roads shall be prominently indicated as such on plats prior to subdivision approval. Maintenance arrangements for such roads must be noted in writing on subdivision plat submittals and must be subsequently recorded. The development served by a private road shall have direct access into a public road, and no such private road shall be laid out so as to serve property outside the development. All private roads shall:

- (A) serve a minimum of eleven (11) lots;
- (B) have a minimum road right-of-way width of fifty (50) feet;
- (C) be constructed in accordance with the regulations set forth in Article 3.6 of these regulations;
- (D) be maintained by an association of property owners or the developer and be designated on all plats and recorded in appropriate deed covenants and restrictions, or an appropriately executed private roadway easement as defined by these regulations;
- (E) parcel boundaries may extend to the centerline of the road, with the appropriate right-of-way designated on all plats and deeds;
- (F) be legally certified for compliance by a surveyor/engineer licensed by the State of South Carolina;
- (G) be named in accordance with adopted E-911 Addressing regulations;
- (H) meet all storm water management and sediment control regulations;
- (I) be properly approved in writing by Planning Director prior to submission of plat(s) to the Register of Deeds for recording. The following shall be prominently printed on the plat(s)

“THE ROAD RIGHT-OF-WAY SHOWN ON THIS PLAT SHALL BE PRIVATE ROADS, NOT OWNED, MAINTAINED OR SUPERVISED BY OCONEE COUNTY AND NOT CONSTRUCTED PURSUANT TO ANY PLAN FOR FUTURE ACCEPTANCE BY OCONEE COUNTY. ROAD RIGHT-OF-WAY SHOWN UPON THE PLAT SHALL NOT BE ACCEPTED FOR MAINTENANCE BY OCONEE COUNTY AT ANY TIME IN THE FUTURE UNLESS CONSTRUCTED IN ACCORDANCE WITH ALL OCONEE COUNTY REGULATIONS. MAINTENANCE OF THE RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF THE

- (J) have installed signs that control the traffic flow in a safe manner as specified by standards in the Manual for Uniform Traffic Control Devices;
- (K) be subject to same inspections by the County Engineer, or his/her designee, as established for public roads in these standards.

With the exception of the requirements put forth in this section, all private roads shall meet the requirements for all Public Roads as defined by this ordinance.

Article 3. PUBLIC ROADS

1. Continuation of Adjoining Road System

The proposed road layout shall extend existing roads on a logical course at a width which meets the minimum required by this ordinance. A minimum hundred to one (100:1) taper section shall be used to transition from one width to another.

2. Road System Coordination

The road system within a subdivision shall be coordinated with existing, proposed, and anticipated roads (hereinafter "surrounding roads") outside the subdivision, as determined by Oconee County or the State of South Carolina. Subdivision roads shall intersect with surrounding roads at safe and convenient locations and where necessary to permit the efficient movement of traffic between residential neighborhoods by emergency service vehicles. Subdivision roads shall only enter arterial roads when absolutely necessary. Whenever connections to surrounding roads are required by this section, the road right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit-issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. All temporary dead-end streets must be approved by the Planning Director and the County Engineer.

3. Road Names

A proposed road which is obviously in alignment with or an extension of an existing named road shall bear the name of the existing road. Except for the above, in no case shall the name of a proposed road duplicate or be phonetically similar to an existing road name, irrespective of the use of suffix (road, avenue, boulevard, drive, place, court, lane, etc.). It shall be unlawful for any person in laying out any new road to name such road on any final plat or instrument, without first obtaining the approval of the Oconee E-911 Addressing Office.

4. Residential Buffers for Collector or Arterial Roads

Where a subdivision abuts or contains an existing or proposed collector or arterial road, lots which abut or are adjacent to these existing or proposed collector or arterial roads shall face a local road. Other treatment may also be required, as necessary, for adequate protection of the landscape and residential properties and for separation of through and local traffic. Special treatment may be required, such as screen planting contained in a non-access reservation along the rear property line adjacent to the arterial road.

5. Road Design (Geometric Criteria)

In general, geometric criteria for road design shall be in accordance with standards of the South Carolina Department of Transportation (SCDOT). Said standards are those contained in the latest edition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials. Local and collector residential roads (public) shall be designed in accordance with the following standards.

(A) Minimum right-of-way, pavement, and shoulder width shall be as follows:

<u>Road Type</u>	<u>Right-of-Way</u>	<u>Pavement</u>	<u>Shoulder</u>
Arterial [*]	66' or greater	28'	10'
Collector	50'	24'	8'
Major local	50'	22'	6'
Minor local	50'	20'	4'

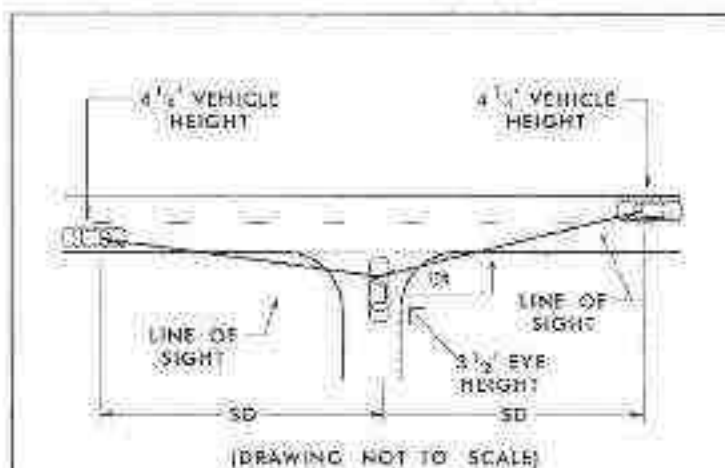
* As determined by County Engineer.

For high density residential or nonresidential subdivisions or portions thereof, additional right-of-way or pavement width shall be provided when determined as necessary by the Planning Commission or County Engineer.

- (B) Cul-de-sacs shall and turnarounds shall comply with current fire regulations and codes. Dead-end streets without turnarounds are prohibited. All unpaved islands located within perimeters of a cul-de-sac shall be round in configuration, centered within the right-of-way, curbed and properly drained. The area utilized by any unpaved island shall not be considered part of the minimum area needed to meet the required dimensions for the cul-de-sac or right-of-way and shall be governed by the same standards for planted median islands, as set forth in this ordinance.
- (C) Horizontal curvature shall be introduced at any change in road direction, and the minimum centerline radius shall be one hundred fifty (150) feet for local roads and two hundred fifty (250) feet for collector roads. Arterial road curvature shall be in accordance with State Highway Department standards. Minimum tangent between reverse curves shall be one hundred fifty (150) feet for local roads, and one hundred (100) feet from curve to any intersecting road right of way.
- (D) Stopping distance on vertical curves, horizontal curves, or normal intersections shall allow at least one hundred (100) feet of sight distance for each ten (10) miles per hour of the posted speed limit where the road intersects another public road.

The sight distance shall be measured from a seeing height of three and one-half (3½) feet, offset fifteen (15) feet from edge of road, to an object four and one-quarter (4¼) feet in height above the grade of the public road, as stated in SCDOT's 1996 Access and Roadside Management manual. See drawing

SIGHT DISTANCE REQUIREMENTS
(DISTANCES GIVEN ARE FOR FLAT GRADES)



DESIGN VEHICLE ENTERING ARTERIAL	SIGHT DISTANCE (SD) PER 10 MPH OF ARTERIAL SPEED FOR ARTERIAL WIDTH OF:		
	2 LANES	4 LANES	6 LANES
	FEET	FEET	FEET
PASSENGER CAR	100	120	130
SCHOOL BUS	130	150	170

Minimum sight distance at intersections shall provide a clear sight triangle. The right-of-way shall be clear of obstacles to enable the minimum sight distance required, as determined by the speed limit of the road being accessed increases. The necessary right-of-way in either direction shall be entered upon the final plat prior to recording. Modifications may be required by the County Engineer in order to insure safety.

- (E) Roads shall be designed to intersect as nearly as possible at right angles. In no case shall the angle of intersection be less than seventy five (75) degrees. Minimum radius of curb or pavement edge at intersections shall be at least twenty (20) feet at intersections with local roads and twenty five (25) feet at intersections with collector roads.
- (F) Road grades shall be no less than 0.5 percent and no greater than 12 percent. The following shall apply:

<u>Road Classification</u>	<u>Maximum Grade</u>
Arterial Roads	4 percent
Collector Roads	6 percent
Local	12 percent

- (G) Proposed intersections on one side of a road shall coincide with existing or proposed intersections on the opposite side. Minimum centerline offset for

intersections on the opposite side of a road shall be one hundred fifty (150) feet. No two roads may intersect on the same side of a road at a centerline separation distance of less than four hundred (400) feet.

- (H) Intersections shall be designed with a flat grade whenever practical. When approaching an intersection in hilly or rolling areas, a leveling area shall be provided having not greater than a five percent (5%) grade at a distance of thirty (30) feet, measured from the nearest right-of-way line of the intersecting street.
- (I) If the developer proposes a planted median island, the road right-of-way shall be divided in half for each half of the road (25 feet each side) with each lane centered in the right-of-way. A perpetual maintenance plan shall be submitted to the County prior to construction of said planted median island. Oconee County shall not be responsible for maintaining any median vegetation. Vegetation within the right-of-way may be removed by the County if it presents a safety or visual hazard. All planted medians shall be drained and maintained by methods submitted by the developer and approved by the County Engineer.
- (J) All driveway locations must be approved by the County Engineer.

6. Road Construction

In general, all public roads shall be constructed in accordance with the SCDO1 "Standard Specifications for Highway Construction" (latest edition) as it related to earthwork, bases/subbases, paved surfaces, etc. The following requirements shall also apply:

- (A) Paved road surfaces are required for all new roads. The County Engineer may waive the strict application of aggregate requirements for hot mixed asphalt pavement with materials prepared with stone from the Oconee County Rock Quarry.
- (B) The minimum base course for all roads shall consist of type #1 (550 lbs. per square yard) crushed gravel aggregates compacted on the roadway to a depth of not less than five (5) inches. Compaction of the aggregate shall comply with the standards set forth in this ordinance.
- (C) Local Roads – When hot asphaltic mix will be applied, specifications for set up are same as for the surface treatment. Asphalt shall be applied at no less than two (2) inch compacted of type as specified by the County Engineer.
- (D) Collector Roads – Road base shall include five hundred fifty (550) lbs. of stone per square yard (approx. 5) with two (2) inch surface course of asphaltic concrete.
- (E) Industrial/Commercial Roads – Road base shall include six hundred fifty (650) lbs. of stone per square yard (approx. 6) with two (2) inch surface course of asphaltic concrete.
- (F) Road paving is required for all new nonresidential subdivisions falling under the jurisdiction of this ordinance. Pavement design requirements for a non-residential subdivision shall be in accordance with sound engineering principles as outlined in procedures adopted by the American Association of State Highway and Transportation Officials; or the Portland Cement Institute; or the National Asphalt Institute. All designs shall be subject to review and approval of the County Engineer and the Oconee County Planning Commission. However, in no case shall

the paving standard be less than the standard required for a new residential subdivision.

- (G) The entire right-of-way area shall be cleared of all stumps, roots, brush, and other objectionable materials prior to grading roads. All tree stumps and other vegetation shall be removed to a depth of two (2) feet below the sub-grade. Rock, when encountered, shall be scarified to a minimum depth of three (3) inches below sub-grade. The entire right-of-way shall be graded.
- (H) All debris and other material deemed unsuitable by the County Engineer shall be removed before any dirt or soil is placed in fills for the sub-grade. Unsuitable materials include any organic matter, unstable soil, trash, large stones, or other items that prevent the soil from being properly compacted.
- (I) All fill lifts shall be formed by placing and spreading the material in successive, uniform, horizontal layers of not more than six (6) inches in depth for the full width of the cross section and shall be kept level by the use of approved equipment. Prior to each subsequent layer the compacted layer shall be scarified before placing fill. The County Engineer or his designated representative may call for compaction tests at the completion of any of the six (6) inch lifts being made. Each level will be compacted to a ninety five percent (95%) proctor.
- (J) Suitable material shall be placed in the embankment for the formation, compaction, and shaping of all embankments, sub-grades, shoulders, slopes, intersections, approaches and private entrances to conform to the typical cross section shown on the approved road construction plan.
- (K) When an embankment is to be on a hillside or against an existing embankment sloping more than twenty (20) degrees from the horizontal, the slope of the hillside or existing embankment shall be plowed deeply or cut into steps before filling is commenced. All embankments shall be formed by placing and spreading the material in successive, uniform, horizontal layers of not more than six (6) inches in depth for the full width of the cross section and shall be kept level by the use of approved equipment. Embankments over and around pipes, culverts, arches, bridges, or other structures shall be constructed of materials approved by the County Engineer.
- (L) All pipe culverts shall consist of the following materials:
 - (1) Reinforced concrete conforming to the requirements of American Association of State Highway Officials (AASHO) M170 Class 3 pipe.
 - (2) High Density Polyethylene (HDPE) corrugated with a smooth interior pipe conforming to the requirements of American Association of State Highway Officials (AASHO) M294M, Type S pipe.

All pipe culverts shall be of sufficient size to adequately insure proper drainage. Calculations by a professional engineer licensed by the State of South Carolina must be submitted and approved by the County Engineer. Rip-rap shall be securely installed over an approved silt barrier to the height of the high water mark around the end of all pipe culverts.

- (M) In the event that the Engineer, after consultation with appropriate authorities, deems the crossing of a watercourse to necessitate a bridge, such bridge shall conform to current SCDOT specifications for steel reinforced concrete bridges of at least

twenty-four (24) feet in width. Such bridges shall be at an elevation as to be approved by the County Engineer.

- (N) All drainage inlets and outlets not accessible from the road right-of-way must include a permanent easement allowing Oconee County access to the adjacent property needed to perform necessary maintenance work. Oconee County will not be responsible for any damage off of the right-of-way due to high water or flash flood conditions.
- (O) Property owners adjoining the road right-of-way may request that the County perform work to assist the property owner with a drainage problem. The County may at its discretion construct berms, swales and/or ditches, or install HDPE or concrete pipe within the County maintained road right-of-way. The property owner shall pay two and one-half (2½) times the material costs to cover the material cost and labor for said project. The property owner shall sign a hold harmless agreement releasing the County from any liability associated with future drainage problems, in advance of scheduling the project. Projects will be scheduled on a first pay, first scheduled basis.

In the event the County decides to assist the property owner with the drainage problem, the County Engineer, or his designee will provide a non-binding cost estimate for the material costs of the project first. Special services or equipment needed to complete the job will be billed as invoiced by the contractor or vendor providing the special service or equipment.

- (P) Property owners adjoining the road right-of-way may request that Oconee County perform work within the right-of-way to install driveway aprons and/or culverts within the County maintained right-of-way. The property owner shall pay two and one-half (2½) times the material costs to cover the material cost and labor for said project. The property owner shall sign a hold harmless agreement releasing the County from any liability associated with said work, in advance of scheduling the project. Projects will be scheduled on a first pay, first scheduled basis.

The County Engineer, or his designee, will provide a non-binding, cost estimate for the material cost of the project. Special services or equipment needed to complete the job will be billed as invoiced by the contractor or vendor providing the special service or equipment.

7. Compaction and testing

Compaction of sub-grade and base courses shall conform to the applicable sections of the latest published edition of the South Carolina Highway Department Standard Specifications for Highway Construction. Nuclear compaction test may be conducted on all sub-bases as directed by the County Engineer. A loaded (minimum of 60,000 lbs. gross weight) tandem roll test of the sub-base shall be performed. Any of the compaction tests may be directed by the County Engineer or his designated representative during an intermediate six (6) inch lift. A loaded (minimum of 60,000 lbs. gross weight) tandem roll test will also be performed upon setup of the base material prior to paving the road. Any substandard materials will be replaced and retested as directed by the County Engineer or his designated representative. Upon completion of a road, all fills shall be protected by either seeding or rip-rap. All fills of two and a half to one (2½:1) or steeper

shall be protected by rip-rap. Shoulders and other disturbed soil along the entire cleared area of the right-of-way shall be seeded in such a manner as to ensure uniform soil.

8. Inspections

A developer/owner shall notify the County Engineer at least forty-eight (48) hours prior to any requested inspection. Work done prior to inspection is done so at the Contractor's and Owner's own risk and may, upon decision of the County Engineer or designee, be required to be removed and redone or have the quality substantiated by any tests deemed necessary all at the Contractor's and/or Owner's sole expense. Inspections shall be required for the following:

- (A) At the completion of clearing and grubbing operations;
- (B) At the completion of rough grading;
- (C) At the completion of all utility construction along road right-of-way (including but not limited to water, sewer, electrical)
- (D) At the completion of sub-grade;
- (E) After installation and compaction of base course;
- (F) During all pavement applications; and
- (G) Final acceptance inspection.

The Contractor/Owner's engineer shall be present for the following inspections:

- (1) Rough grading inspections;
- (2) Sub-grade;
- (3) Base course inspections; and
- (4) Final acceptance inspection.

9. Financial Responsibility for Maintenance

Following acceptance for maintenance by Oconee County of any road, the developer/owner shall be financially responsible for all maintenance necessary due to deficiencies resulting from initial construction for a period of three (3) years. The developer/owner shall post a bond or a letter of credit for the estimated cost of maintaining the road for three (3) years from the date of acceptance. The County Engineer shall determine the amount of the bond or letter of credit. The bond or letter of credit shall be maintained by the Oconee County Finance Department. The bond or letter of credit shall expire after three (3) years from the date of acceptance of the road, or in the case of a subdivision road, after a build out of seventy percent (70%) of the subdivision, whichever occurs first. In order to facilitate the acceptance process, once a road had been substantially completed the developer/owner may request a written punch list from the County Engineer. The punch list will note the items that must be completed prior to acceptance of the road by Oconee County.

10. Contracts

Notwithstanding any other provision of this section, the owner/developer may utilize an independent contractor to perform road work. In such case, the owner/developer shall be fully responsible for work performed by the contractor on said roads.

11. Financial Liability

The owner/developer shall be responsible for all costs in the design and construction of a road until said road is accepted as a County road by the County.

12. Road Swales and Channels

All roadway ditches and channels shall be designed to contain, at minimum, a peak flow from a twenty five (25) year frequency storm. All roadway ditches and channels shall be designed so that the velocity of flow expected from a twenty five (25) year frequency storm shall not exceed the permissible velocities for the type of lining used. Rip-rap shall be placed for stops in road drainage swales as instructed by the County Engineer. Swales shall be stabilized against erosion by grassing with a mixture of Rye and Bermuda grass, or the appropriate grass for the season. Road swales shall be installed at a maximum depth of three (3) feet and be designed to enable mowing by adjoining property owners.

13. Road Maintenance Signs

Where subdivision roads are not to be dedicated to the State or County for public maintenance the subdivider shall install signs that control traffic flow in a safe manner as specified the Manual of Uniform Traffic Control Devices. Also, at the beginning of the private subdivision roads there shall be signs which state "Private Road". The subdivider may assume the responsibility to install signs provided the County Engineer approves in writing the signage.

14. Roadside Drainage

Roads may be constructed with drainage swales shoulders at a twelve to one (12:1) slope. Where road grade exceeds ten percent (10%), curb and gutter, paved drainage swales, or rip rap swales shall be provided. Curb and gutter may be roll type or standard 90 degree curb.

15. Temperature and weather restriction on asphalt paving work

- (A) No hot mix asphalt surfacing work shall be performed on wet surface, or when the temperature is below 45 degrees Fahrenheit in the shade and falling, or when weather conditions are otherwise unfavorable. Unless approved in writing by the

County Engineer, no surface treatment of a road planned by the owner/developer for acceptance into the County Road System shall be begun before March 15 of each year. Unless approved in writing by the County Engineer, surface treatment of a road planned by the owner/developer for acceptance into the County Road System shall be completed prior to October 15.

- (B) The mixture shall be delivered to the spreader at a temperature between 225 degrees Fahrenheit and 325 degrees Fahrenheit and, except for sand asphalt mixture for base course construction, within 30 degrees Fahrenheit of the temperature at the plant.

16. Drainage Structures

- (A) Crossline pipes shall be designed to carry runoff from a 25 year- 24 hour design storm and shall be RCP Class III concrete. The design shall be determined using runoff data sources and standard methods approved by the County Engineer. In no event shall a pipe less than eighteen (18) inches in diameter be accepted by the County. Crossline pipe along waterways in which vehicular traffic has no other exit shall use a 100-year design storm.
- (B) Concrete culverts must conform to South Carolina Highway Department requirements. HDPE double wall corrugated with a smooth interior pipe conforming to the requirements of American Association of State Highway Officials (AASHTO) M294M, Type S pipe or an approved equivalent shall be accepted where sufficient fill over the pipe is provided. No corrugated metal pipes shall be accepted. No culvert shall be less than fifteen (15) inches in diameter.
- (C) Unless approved by the County Engineer prior to construction, all pipes shall be laid in a trench. All trenches shall be excavated so as to allow for safe and proper installation. All backfill work shall comply with standards specified by the pipe manufacturer; however, in no case shall backfill covering a culvert be less than ten (10) inches deep (pavement and/or base thickness shall not be considered part of this required minimum depth). All fill shall be compacted to 95% of standard proctor test in the top foot of fill.
- (D) The jointing of sections of culvert shall be done in a workmanlike manner in accordance with the standard practice recommended by the manufacturer of the culvert being used.
- (E) The ends of all pipe culverts shall be properly protected to prevent piping, erosion and scour. Placement of filter fabric and rip-rap shall be considered minimum treatment. End treatments shall be approved by the County Engineer and shown on the plans.
- (F) All crossline drainage culverts shall be located in natural drainage areas or depressions, and shall terminate in a dedicated drainage easement no less than twenty (20) feet wide.
- (G) Junction boxes of an approved type will be constructed at all points where the line of pipe changes course or direction ten (10) degrees or more and at proper intervals along the line of pipe.
- (H) A means of access to inlet and outlet points of drainage structures and appurtenances must be provided and shown on the plans. Oconee County shall not be held liable for flood damage outside recorded drainage easements.

- (I) Exits for surface water in sideline ditches shall comply with the standards put forth in the following Table:
- (J) Exit intervals for surface water along curb & gutter roads, also known as catch basin spacing, shall be designed to limit the spread to seven feet (7) from the face of curb. The 2-year design storm shall be the basis for determining the Stormwater runoff. In no case shall the spacing exceed eight hundred feet (800). Special attention should be used designing exits at cul-de-sacs, to prevent overtopping the curb and catch basin.

Table – SURFACE WATER EXIT INTERVALS

<u>ROAD GRADE</u>	<u>MAXIMUM EXIT INTERVAL</u>
0-2%	800 FEET
2.1-4%	700 FEET
4.1-6%	600 FEET
6.1-8%	500 FEET
8.1-10%	400 FEET
10.1-12%	300 FEET
MORE THAN 12%	200 FEET

17. Sidewalks shall not be located within the road right-of-way.

Article 4. PUBLIC COMMERCIAL AND INDUSTRIAL ROADS AND STREETS

In addition to residential road requirements set forth, the following standards shall apply to commercial and industrial roads.

1. Right-of-ways and road widths

The following right-of-way and road widths are established:

- (A) Right-of-Way: Minimum width is sixty six (66) feet.
- (B) Roadway Width: Width is twenty four (24) feet with twelve (12) foot lanes plus two (2) foot valley gutters or six (6) inch high curbing and two (2) foot concrete valley on each side.

2. Grades

- (A) The minimum grade shall not be less than one percent (1%) and the maximum shall not be more than seven percent (7%).
- (B) All proposed street grades, when intersecting an existing street or highway, shall be constructed so as to meet the same horizontal grade at the existing intersection and

shall have an elevation for a distance of thirty (30) feet equal to the curb line grade of the existing street to which the proposed connection is being made. All proposed street connections to existing streets or highways having existing sidewalks crossing their intersection alignment shall be constructed by removal of the sidewalk to the new proposed curb radii.

3. Horizontal (circular) curves

Where a deflection angle of more than five (5) degrees in the alignment of the street occurs, the right-of-way shall be curved. The minimum horizontal radius of curvature at the centerline of the proposed street right-of-way shall not be less than two hundred fifty (250) feet.

4. Vertical (crest-sag) curves

Changes in vertical grade shall be connected by vertical curves of minimum length equal to twenty five (25) times the sum of both approaching grades stated in percent of grade. Example: a 5% slope upward meeting a 4% slope downward requires a curve length of $9 \times 25 = 225$ feet.

5. Intersecting roads and road offsets

- (A) Intersecting roads – Industrial/commercial roads shall be laid out so as to intersect as nearly as possible at right angles and no road shall intersect any other road at an angle less than eighty (80) degrees.
- (B) Road Offsets – Where there is an offset in the alignment of a road across an intersection, the offset of the centerline shall be not less than two hundred (200) feet.

6. Cul-de-sacs

The circular right-of-way radius shall be sixty six (66) feet and paved turning circle with the same center point and a radius of fifty (50) feet is required.

7. Temperature and weather restrictions on asphalt paving work

- (A) No hot mix surfacing work shall be performed on wet surface, or when the temperature is below 45 degrees Fahrenheit in the shade and falling, or when weather conditions are otherwise unfavorable. Unless approved in writing by the County Engineer, no surface treatment of a road planned by the owner/developer for acceptance into the County Road System shall be begun before March 15 of each year. Unless approved in writing the County Engineer, no hot mix surface treatment of a road planned by the owner/developer for acceptance into the County Road System shall be done after October 15.

- (B) The mixture shall be delivered to the spreader at a temperature between 225 degrees Fahrenheit and 325 degrees Fahrenheit and, except for sand asphalt mixture for base course construction, within 30 degrees Fahrenheit of the temperature at the plant.

Article 5. ROAD UPGRADES

1. Upgrade of Existing County Roads

- (A) Roads owned and/or maintained by Oconee County shall be listed on a Road Maintenance Plan maintained by the County Road Department. Any road not meeting the current standards for public roads as adopted by Oconee County shall be identified. Those roads that do not meet the current County standards and are in the Primary Development Areas identified on the Oconee County Future Land Use Map shall be placed on the Priority Upgrade List. A rating system shall be used to prioritize the roads on the Priority Upgrade List, with those roads receiving the highest score having the highest Priority. Until the Oconee County Future Land Use Map is amended in 2009, Primary Development Areas shall include those areas identified in the Comprehensive Plan defined as Residential Areas and Transitional Growth Areas.
- (B) Roads on the Priority Upgrade List shall be upgraded in such a manner as to account for the current and projected traffic levels. These projections shall be based upon the best information available and anticipate changes occurring over the next 25 year period.
- (C) The following rating factors shall be used in determining the Priority Upgrade List: (1) Condition and Width of driving surface; (2) Existing hazards; (3) Right-of Way acquisition; and (4) Current and projected traffic levels.
- (D) County roads (whether paved or gravel) that are located outside the Primary Development Areas as identified in the Oconee County Future Land Use Map may be placed on the Priority Upgrade List based on the recommendation of the County Engineer and the agreement of the Council's Transportation Committee.
- (E) The County Engineer shall review all roads within the County road system on an annual basis and make recommendations to the Oconee County Planning Commission regarding changes to the Priority Upgrade List. The Planning Commission shall review the Priority Upgrade List on an annual basis and make recommendations to County Council for changes to the List. The County Engineer shall estimate a projection completion date for all roads on the Priority Upgrade List. The County Engineer shall update the projected completion date on an annual basis. The County Engineer shall consider available funding sources in making these completion projections.
- (F) In the event that a developer/subdivider is required to upgrade a County road in accordance with Oconee County regulations, the developer/subdivider shall receive

reimbursement for the upgrade of said road, including right-of-way acquisition, by receiving 10% of the incremental tax increase as a result of development along said upgraded road annually for a period not to exceed ten (10) years from the date of the completion of the upgrade of the road. If the developer/subdivider receives reimbursement of 100% of his/her/its cost of the upgrade prior to the expiration of the ten (10) year period, developer/subdivider's right to the reimbursement shall cease.

- (G) A developer/subdivider who is planning a development that will impact a County road in such a way that the road classification will change, and said road is already scheduled to be upgraded by the County within the next five years, according to the Priority Upgrade List, may bump said road to the beginning of the following year's paving list on the Priority Upgrade List by agreeing to allocate 10% of the proposed development for affordable housing or provide the same amount of affordable housing in another location in Oconee County. Affordable housing provided in this section shall be of the same type of construction (ex. stick built, modular, etc.) as the new development.

2. Impact on Existing Roads System

1. All subdivision site plans, plats, building permits, or other county-issued permits or approvals shall be contingent upon the ability of the existing roads or network of roads to safely serve the proposed development. Developers and/or subdividers of projects proposed to be located on an existing county road shall submit an estimate of the amount of traffic (in Average Daily Trips [ADT's]) anticipated to result from the development. Said estimate shall be certified by an engineer licensed by the State of South Carolina, and must be based upon standards adopted by the Institute of Transportation Engineers (ITE), or other authority approved by the County Engineer. This requirement shall not apply to the following:

- a. Residential subdivision projects (single-family and multi-family) consisting of less than eleven (11) dwelling units;
- b. Non-residential developments for which standards set forth by the ITE indicate less than one hundred (100) ADT's are anticipated.

2. Traffic counts used for the purposes of establishing the classification of county roads shall be determined by the County Engineer. In the event that a proposed development is to be served by a county road for which there is no current traffic count, the developer/subdivider may at his/her own expense conduct and submit a traffic count performed by an engineer licensed by the State of South Carolina, provided that said count is approved and coordinated with the County Engineer. All such information will be considered public information, and may be published as part of updates to the Priority Upgrade List.

3. Criteria for Road Improvement Projects

- (A) A minimum of 50 feet of right-of-way is required for the entire road.
- (B) Utilities must not be located, to the extent practicable, beneath the road surface (excluding sanitary sewer).
- (C) A minimum of 50 feet radius of right-of-way is required for the purpose of constructing an appropriate turn-around for improvements projects along terminating roads.
- (D) Road improvement projects to match existing county standards, to the extent practicable.

The above criteria shall apply to paved and unpaved road improvement projects. From time to time, Council may need to waive the above requirements on a case-by-case basis.

4. Scoring Gravel Roads

A Trip Generation Prediction will be calculated with data collection and other methods outlined by the Institute of Transportation Engineers.

ADT (Modeled or Measured Average Daily Trips) will be combined with Safety Parameters as follows:

Slope or grade	X	20 points
Intersection	X	20 points
Width	X	20 points
No Cul de sac	X	20 points
Alignment	X	20 points

ADT and Safety parameters will be the primary factors in scoring gravel roads.

For example, if traffic count were measured to be 480 ADT, and the slope exceeded 12%, it was 20', and had no cul-de-sac the score would equal $480 + 60 = 540$.

Article 6. ACCEPTANCE OF ROADS INTO COUNTY ROAD SYSTEM

The following provisions shall apply to the construction of any road intended for future acceptance into the County Road System.

- (A) No road shall be accepted by Oconee County for maintenance and incorporated within the Oconee County Road System unless the same be shown and delineated upon a plat of survey duly recorded in the office of the Oconee County Register of Deeds.

- (B) A construction plan with sufficient detail, including a cross section of the proposed road, shall be submitted to the County Engineer prior to commencement of construction. No construction shall commence unless the plan has been approved by the County Engineer.
- (C) A deed granting a right-of-way as specified in this ordinance shall be tendered to Oconee County by the property owner/developer before a road shall be accepted into the County Road System. Upon acceptance of such deed or right-of-way by the county, the owner/developer shall be notified in writing of the fact of such acceptance, and the same writing shall constitute an agreement on the part of the County to maintain and incorporate the said road into its system. The Oconee County Administrator shall accept or deny the proffered deed or right-of-way for the County upon receipt of certification by the County Engineer that said road has been constructed in accordance with the regulations set forth in this Ordinance.
- (D) Prior to acceptance by Oconee County for maintenance and incorporation within the Oconee County Road System, all roads shall meet all road construction standards set forth in this Ordinance.
- (E) No road shall be accepted into the Oconee County Road System until the surface is treated in a manner and using such materials as approved by the Oconee County Engineer. The County Engineer shall furnish specification requirements upon request. The County Engineer shall be notified by the developer/owner prior to the commencement of any construction, and shall be given periodic progress reports and periodic inspection reports as specified by the County Engineer. Such progress and inspection reports are to include notification of the ending and planned commencement of construction intervals or phases. The County Engineer shall certify in writing to County Council that the road to be accepted into the Oconee County Road System has been constructed in accordance with the regulations set forth in this Ordinance. A copy of the certification shall be sent to the County Administrator.
- (F) The County may accept a road as a County Road through the creation of a special tax district, a legislatively created administration division of the county whereby resident freeholders fund, through the collection of uniform fees included on the annual property tax bill, upgrades to existing private roads in order for such roads to meet the standards of and for the purpose of acceptance into the county road system.
- (G) No expenditures of any public funds shall be made on any road or right-of-way, which has not been accepted as a County road.
- (H) The roadway must connect to at least one federal, state, county, or municipal roadway.

- (I) The County Administrator is hereby authorized to accept roads and rights-of-way on behalf of county.

Article 7. REGULATING THE USE OF COUNTY ROADS

1. Damages

- (A) Any person, entity or utility that engages in an activity which causes damage to a county road or road structure shall be responsible for repairing said county road or road structure to SCDOT standard specifications for highway construction. This does not include normal wear and tear to a road caused by normal use of said road.
- (B) Any person driving, operating or moving any vehicle, object or contrivance upon any county road or road structure shall be liable for any damage which road or structure may sustain as a result of dragging, scraping, breaking or any other damage done to said road or structure. Any such persons will also be liable to the county for the cost of such injury or damage.
- (C) Any person making unauthorized modifications to a county road or road structure shall be responsible for the costs of returning the road or structure to its original condition.

2. Drainage

- (A) Property owners adjoining the road right-of-way may request that the county perform work to assist the property owner with a drainage problem. The county may construct berms, swales and/or ditches, or install plastic or concrete pipe along the county maintained road right-of-way. The property owner shall pay 2.5 times the material costs to cover the material cost and labor for said project. The property owner shall sign a hold harmless agreement releasing the county from any liability associated with future drainage problems, in advance of scheduling the project. Projects will be scheduled on a first pay, first scheduled basis.
- (B) The county engineer, or his designee, will provide a cost estimate for the material costs of the project. Special services or equipment needed to complete the job will be billed as invoiced by the contractor or vendor providing the special service or equipment.
- (C) The county cannot assist in any drainage matter outside of the road right-of-way, and may only perform work within the county right-of-way.

3. Encroachment

- (A) 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 periodically by county council, at least 48 prior to initiating such work. A schedule of required fees and securities shall be available for review from the county road department.

(B) Upon completing the permitted activity, the applicant shall restore the county-maintained road and/or right-of-way to its original condition, insuring that all repairs conform to the requirements contained in the SCDOT standard specifications for highway construction. Eighteen months after the permitted activity, 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.

4. Road Safety

- (A) All persons shall park vehicles and equipment at least three feet from the edge of the pavement on all roads. Parked vehicles and equipment shall not block ditches and swales or in any way inhibit drainage.
- (B) No person shall place any type of material within three feet of the pavement.
- (C) No person shall place a sign on a road in the county that will restrict visibility or inhibit sight lines of drivers.
- (D) Signs on roads in the county, remaining for more than seven days, will require an encroachment permit from the road department.

5. Penalties

Failure to comply with any of the requirements of this article constitutes a misdemeanor and shall be punishable by a fine not to exceed \$1,000.00 dollars. In addition, in the event that the county must file a civil suit in order to enforce its rights under this article, the county shall be entitled to reasonable attorney's fees.

Article 8. VARIANCE FROM ROAD STANDARDS

Any variance from these road standards shall be consistent with the intent of this Ordinance, and shall be approved in writing by the Board of Zoning Appeals. Any person or entity requesting a variance from road standards shall submit a written request for a variance to the Planning Director of Oconee County. A variance can only be granted for actions to take place in the future. No variance may be granted for past actions.

Prior to scheduling a Variance Hearing before the Board of Zoning Appeals, the person or entity requesting said variance shall work with the Oconee County Planning Department and the Oconee County Road Department in an effort to eliminate or minimize the need for a variance. After reasonable efforts and no other solution can be reached, a hearing shall be scheduled before the Board of Zoning Appeals. The County

staff shall submit written reports to the Board of Zoning Appeals setting forth the County regulation in question, the efforts made to remedy the situation, and a recommendation setting forth the County's position regarding the variance. These written reports shall be submitted to the person or entity requesting the variance at least five (5) days before the Variance Hearing.

Notice of the Variance Hearing shall be provided by First Class Mail to the person or entity requesting the variance at least fifteen (15) days prior to the Hearing. Notice of the Hearing shall also be published in a newspaper of general circulation in Oconee County at least fifteen (15) days before the Hearing.

Any party may be represented by counsel. Any person or entity that would be directly impacted by the granting or denial of the variance may participate as a party in the hearing, provided notice of intent is submitted in writing to Planning Department at least seven (7) days prior to the Hearing. The Planning Department shall immediately notify all other parties of the new party's participation. The County may support or oppose the variance request or be neutral.

The Board shall make the initial determination concerning the variance request and may consider any and all evidence it deems relevant concerning the variance issue. The paramount issue for all variance requests shall be the reasonable safety of the road under the proposed circumstances. If the Board concludes that a safe road can be constructed without strict application of the regulations set forth in this Ordinance, the Board may then consider issues such as the cost of right of way acquisition, placement of utilities, and unusual circumstances in determining whether to grant a variance. The Board should use reasonable discretion in its decision making.

A person or entity whose request for a variance has been denied by the Board may appeal the Board's decision to the Transportation Committee of the Oconee County Council.

OCONEE COUNTY, SOUTH CAROLINA

ATTEST:

George Blanchard
Chairman, Oconee County Council

Elizabeth G. Hulse
Clerk to County Council

First Reading: November 6, 2008 [in title only]
Second Reading: November 18, 2008
Public Hearing: December 2, 2008
Third Reading:



Norton & Ballenger, P.A.
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BRADLEY A. NORTON

KAREN F. BALLENGER

MEMORANDUM

Date: December 1, 2008
To: Oconee County Council Members
Dale Surrent
Oconee County Administrator
From: Bradley A. Norton
County Attorney
Issue: Ordinance 2008-20, Subdivision Ordinance

This is the amendment to the existing subdivision regulations that are already in place. The Subdivision regulations include a definition section that is referenced in the new Road Ordinance. Special attention should be paid to Article 9 of this ordinance, which begins on page 20. This article requires a developer to post a bond equal to one hundred twenty-five (125%) percent of the amount of the owner's engineers estimated cost to complete improvements within the subdivision. This will be required prior to the filing of the final plat to ensure that the improvements are actually made. The remainder of the ordinance is fairly self-explanatory.



State of South Carolina
County of Oconee County
ORDINANCE 2008-20

“AN ORDINANCE TO AMEND THE LAND DEVELOPMENT AND SUBDIVISION REGULATIONS CHAPTER OF THE OCONEE COUNTY UNIFIED PERFORMANCE STANDARDS ORDINANCE [CHAPTER 6], REPEALING ORDINANCE 2002-05 [Passed May 7, 2002], ORDINANCE 2006-07 [Passed May 1, 2006], AND ORDINANCE 2006-20 [Passed August 15, 2006].”

WHEREAS, Oconee County adopted the Unified Performance Standards Ordinance, Ordinance 99-14, to establish various standards on various land uses within the unincorporated areas of the county; and

WHEREAS, County Council must from time to time review and amend said standards to account for changes resulting from growth and development, as well as to better manage anticipated changes and avoid imposing negative impacts on the citizens of Oconee County; and

WHEREAS, the Land Development and Subdivision Chapter of the Unified Performance Standards Ordinance contains regulations governing road design as well as subdivision standards; and

WHEREAS, other Oconee County ordinances govern various aspects of road design in addition to the Land Development and Subdivision Chapter of the Unified Performance Standards Ordinance, potentially confusing those individuals needing to determine specific requirements for roads in Oconee County; and

WHEREAS, County Council desires to publish adopted regulations in a logical, consistent format, enabling the public to easily access and understand all standards applicable to their needs;

NOW, THEREFORE, be it ordained by the Oconee County Council that Chapter 6 of the Unified Performance Standards Ordinance (#02-05, #06-07 & #06-20) shall be amended so as to repeal the existing wording in its entirety, and replaced by the following:

ARTICLE 1: General Provisions

Section 1.1 Short Title

This ordinance shall be known and cited as the "Oconee County Land Development and Subdivision Regulations Ordinance."

Section 1.2 Authority

These land development and subdivision regulations are adopted under authority granted by Title VI, Chapter 29 (6-29-1120) et. seq., of the Code of Laws of South Carolina, 1976.

Section 1.3 Jurisdiction

These regulations shall apply to the development and subdivision of land within the unincorporated areas of Oconee County as now or hereafter established and any incorporated municipality which contracts with the Oconee County for these regulations to be administered within such municipality. Regulations contained within this ordinance that apply to the construction and maintenance of roads shall apply to all roads and drainage structures, whether public or private, constructed within any unincorporated area of Oconee County and municipalities contracted with the Oconee County for administration of these regulations. Regulations contained within this Ordinance that apply to the construction and maintenance of roads, appurtenances or drainage structures shall apply to all public and private roads, drives and driveways in the unincorporated areas of Oconee County; also included shall be all municipalities contracted with the Oconee County to administer these regulations. These regulations shall not apply to those roads completed, under construction, or approved (accepted) by Oconee County prior to adoption of this Ordinance by County Council. In the event that a regulation in this ordinance conflicts with any other county regulation, the more stringent standard shall apply.

Section 1.4 Purpose

The purpose of this ordinance is to protect and promote the public health, safety and general welfare of the citizens of Oconee County, South Carolina, providing for the harmonious, progressive, and orderly development of land. These regulations are established for the following specific purposes, among others, as provided for in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Section 6-29-1120 of the Code of Laws of South Carolina, 1976, et seq.):

- (1) to encourage the development of an economically sound and stable county;
- (2) to assure the timely provision of required streets, utilities, and other facilities and services to new land developments;

- (3) to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- (4) to assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and
- (5) to assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the County's Comprehensive plan.

ARTICLE 2

DEFINITIONS

When used in the Ordinance, the following words and terms shall have the meaning indicated. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the content, words used in the singular number include the plural and those used in the plural number include the singular.

- (1) Affordable Housing- a housing unit for which the total annual cost of a sale (including mortgage, amortization, taxes, insurance, and condominium and association fees) constitutes no more than 28% of the annual household income for a household earning no more than 80% of the area's median income, by household size, as reported by US Housing and Urban Development (HUD); or for a rental housing unit, the total annual cost for rent and utilities can constitute no more than 30% of the annual household income for a household earning no more than 80% of the area median income, by household size, as reported by HUD.
- (2) Apartment Complex - A building or portion thereof, other than a hotel, divided into more than two dwelling units which are arranged in such a manner as to be used for lodging by separate households.
- (3) Applicant - The developer or agent of the developer who applies for a subdivision review and is designated as the primary contact for said subdivision.
- (4) Average Daily Traffic - The number of trips made by vehicles that will be utilizing a road, intersection or other reference point in a twenty four (24) hour period.
- (5) Block - A parcel of land entirely surrounded by roads or highways, railroad right-of-ways, waterway, or combination thereof.
- (6) Building Footprint - The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts.
- (7) Building Line - A line beyond which no part of the structure of any building shall project, with the exception of subsurface projection of footings, measured perpendicular to the property line. This includes, but is not limited to, the building, eaves, porches, decks, chimneys, bay windows, and fire escapes.
- (8) Building Permit - A document or certificate issued by Oconee County authorizing construction, enlargement, alteration, moving of, or demolition of a building or structure, or the placement of a mobile home (manufactured housing).
- (9) Cleared or Grubbed Areas - The area within the road right-of-way that is cleared of vegetation.
- (10) Comprehensive Plan - Any legally adopted part or element of the Comprehensive Plan of Oconee County, South Carolina. This plan may include, but is not limited to the Community Facilities, Population, Economic Development, Land Use, Natural Resources, and Housing elements.
- (11) Condominium Complex - A building or group of buildings containing dwelling units which are individually owned. The structure, common areas, and other

- facilities are owned by the developer and/or the owners of the individual units on a proportional or individual basis.
- (12) Crosswalk – An area with a width of ten (10) or more feet dedicated for public use, and intended for pedestrian access to adjacent land area.
- (13) Cul-de-sac – A local road (minor) with one end open to traffic and the other end terminated with a planned vehicular turnaround.
- (14) Density – The number of dwelling units or lots per acre of land developed or used for residential purposes.

- (A) Low Density – 2 or less dwelling units per acre
- (B) Medium Density – From 2.1 to 6.0 dwelling units per acre
- (C) High Density – Over 6 dwelling units per acre

Note: High density lots with less than 150 ft. frontage will necessitate special access considerations by the county.

- (15) Developer – An individual, partnership or corporation (or agent therefore) that undertakes the activities covered by these regulations.
- (16) Development - Any man-made change to improved or unimproved real estate including, but not limited to: new homes, building structures, dredging, filling, grading, paving, or excavation operations.
- (17) DHEC – The South Carolina Department of Health and Environmental Control.
- (18) Dwelling – A building or portion of a building arranged and/or designed to provide living quarters for one or more families where each dwelling is provided with separate kitchen and bathroom facilities.
- (A) Single Family Dwelling – A detached dwelling designed for or occupied exclusively by one family on a single lot.
- (B) Duplex – A building arranged or designed to be occupied by two (2) families living independently of each other on a single lot.
- (C) Group Dwelling – A group of two or more principal structures built on a single lot, parcel or tract of land and designed for occupancy by separate families.
- (D) Multiple Family Dwelling – A building or series of buildings on the same parent parcel used or designed as a dwelling place for three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.
- (19) Dwelling Unit – One or more rooms connected together and constituting a separate, independent housekeeping establishment, with provisions for cooking, eating and sleeping, and physically set apart from any other rooms or dwelling units in the same structure.
- (20) Easement – A grant of one or more specific property rights by the property owner permitting a specific use or uses to the public, a corporation, or another person or entity.
- (21) Easement, Private Roadway – an easement that grants access for all utility and roadway construction and maintenance.

- (22) Flood – A temporary overflowing of water onto land that is usually devoid of surface water.
- (23) Flood Plain – Land areas adjoining a river, stream or water course which are subject to a one percent or greater chance of flooding in any given year. These areas are specifically established by the Federal Emergency Management Agency, according to the Flood Insurance Study for Ocassee County.
- (24) Full Pond Level – Full pond level is 660 feet above mean sea level on Lake Hartwell, 800 feet above mean sea level on Lake Keowee, and 1110 feet above mean sea level on Lake Jocassee.
- (25) Half Road – A road located so that a cross-section of its width lies on more than one parcel.
- (26) Lake – A considerable inland body of standing water.
- (27) Land Development – The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.
- (28) Lot – A single parcel or tract of contiguous land intended as a unit for transfer of ownership, or for building development, or both.
- (A) Lot Area – The total gross area of the lot including easements.
- (B) Corner Lot – A lot with frontage on at least two intersecting roads located at the point of intersection.
- (C) Lot Depth – The mean horizontal distance between the front and rear lot lines.
- (D) Double Frontage Lot – A parcel having frontage on two (2) or more roads which is not located at any intersection of such roads.
- (E) Lot Width – The horizontal distance between the side lot lines at the building setback line measured parallel with the front lot line or in the case of a curvilinear road measured parallel to the chord of the arc between the intersection of the side lot lines and the road right-of-way line.
- (29) Minor Subdivision – A minor subdivision is any subdivision of a parcel that is reviewed by the county that:
- (A) Results in a total of no more than ten (10) lots, and
- (B) May or may not involve the construction of a private drive, private road, or public road.
- (30) Mobile Home (Manufactured Housing Unit) – A detached, single family dwelling designed for long-term occupancy, designed to be transported on its own axle and wheels, arriving at the site in sections or a complete dwelling unit, usually including major appliances and furniture, and ready for occupancy. Removal of wheels and placement of a foundation does not change the mobile home classification. A travel trailer is not a mobile home.
- (31) Multi-family Housing – A building or buildings designed to be occupied by two or more households living independently of each other, with the number of households in residence not exceeding the number of dwelling units provided.

- (32) Natural Vegetative Buffer – Plants, trees, and vegetation that normally survive in Oconee County without the need of fertilizers, herbicides, or pesticides.
- (33) Oconee County Road – Any paved road, gravel road, dirt road or bridge that is owned and/or regularly maintained by Oconee County and considered part of the County road system.
- (34) Open Space Site – A tract of land provided in residential subdivisions to meet the local recreational needs and desires of residents. Such tracts may include play areas, parks, natural woods, open fields and meadows and areas of scenic beauty.
- (35) Owner's Engineer – An engineer registered and in good standing with the S.C. Board of Registration for Professional Engineers and Land Surveyors who is the agent of the owner of the land proposed to be subdivided, or which is in the process of being subdivided.
- (36) Owner's Land Surveyor – A land surveyor registered and in good standing with the S.C. Board of Registration for Professional Engineers and Land Surveyors who is the agent of the owner of the land proposed to be subdivided, or which is in the process of being subdivided.
- (37) Parking, Off-Street – An area adequate for parking an automobile with room for safely opening doors on both sides, together with properly related access to a public road arranged so that no maneuvering incidental to parking shall occur on any road.
- (38) Perennial Stream – Any creek, river, or other water course that has flowing water year-round.
- (39) Person – Any individual, corporation, company, partnership, organization, utility and/or municipality.
- (40) Planning Commission – The Oconee County Planning Commission and planning staff specifically authorized to carry out certain functions on its behalf.
- (41) Plat – A map or drawing which is an accurate graphical representation of a subdivider's plan for a subdivision.
- (A) Sketch plan – A simple sketch of a proposed subdivision layout showing roads and other principal features. The sketch plan is preparatory to the preliminary and final plats and may enable the subdivider to save time and expense in reaching general agreement as to the form of the plat and the objectives of these regulations.
- (B) Preliminary plan (plat) – A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its working ability in all aspects.
- (C) Final plat (plan) – A drawing which shows the 'as built' layout of all road construction, public utilities, public facilities, and lots to be sold.
- (42) Potable Water – Water used or treated by a water company or utility to be sold for human consumption.
- (43) Private Driveway – A driveway that provides vehicular access and road frontage to not more than three (3) single family residences.
- (44) Private Drive – A privately owned and maintained right-of-way or an easement that specifically grants the right for utilities and all road work, that provides vehicular access and road frontage to not less than 4 and not more than ten (10) single family residential lots.

- (45) Private Road – A privately-owned and maintained right-of-way that contains a roadway constructed in accordance with these regulations and provides vehicular access and road frontage to more than ten (10) single-family residential lots.
- (46) Public Road – Roads, avenues, boulevards, highways, freeways, lanes, courts, thoroughfares, collectors, minor roads, cut-de-sacs and other ways including the entire right-of-way considered public and both dedicated to and accepted by the United States, the State of South Carolina, or Oconee County.
- (A) Arterial Road – A major road with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials and from collector streets.
- (B) Collector Road – A road that typically exceeds 800 ADT's and has the primary purpose of intersecting traffic from intersecting local road and handling movements to the nearest arterial road. A secondary function is to provide direct access to abutting properties. A road that connects local access roads to the highway systems major and high-speed arterial roads. The collector road provides both land access service and traffic service within residential subdivisions.
- (C) Local Road (major) – A road in which the road typical number of average daily traffic (ADT) ranges from 401 to 800 and contains two or more access points. The primary purpose is to provide access to abutting properties and receiving traffic from minor local roads.
- (D) Local Road (minor) – A road in which the typical number of average daily traffic (ADT) ranges from 0 to 400 and has the primary purpose of providing access to abutting properties. This road normally terminates in a cul-de-sac, loop or other turnaround, with no more than two access points.
- (47) Road Right-of-Way Width – An easement within which utility installation, utility maintenance, road way construction, and roadway maintenance shall occur according to the standards put forth in these regulations.

The following are the required road right-of-ways and minimum road widths allowable:

Arterial Roads:

Right-of-way 66 to 120 feet (as determined by the county engineer)

Road widths 28 feet (as determined by the county engineer)

Collector roads:

Right-of-way 66 feet

Road widths 24 feet

Major local:

Right-of-way 50 feet

Road widths 22 feet

Minor local and/or service roads:
Right-of-way 50 feet
Road widths 20 feet

The above widths are driving surface widths and exclude widths added by curb and gutter and/or asphalt valleys.

- (48) Sanitary Sewer – A constructed conduit connected with or as a sewer system for the carrying of liquids and solids other than storm waters to a sanitary treatment facility.
- (49) Setback Line – The line indicating the minimum distance permitted between the road right-of-way line and the building line.
- (50) Sketch Plan – See Plat (plan).
- (51) Storm Sewer – A constructed conduit connected with or as a storm sewer system for the carrying of storm waters to a water source.
- (52) Stream – A flow of water in a channel or bed, such as a brook, creek or river.
- (53) Street – See Public Road.
- (54) Subdivider – Any person, firm, corporation owner, agent, developer, or other legal entity who directly or indirectly attempts to subdivide land within the jurisdiction of this ordinance. See also "Developer".
- (55) Subdivision – All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose (whether immediate or future) of sale, lease, or building development; including all division of land involving a new roadway or an alteration in an existing roadway. Also instances in which the further division, relocation of lot lines, or the rearrangement (including combinations of lots) of any lot or lots within a subdivision previously approved or recorded according to law. The alteration of any roadways or the establishment of any new roads within any subdivision previously approved or recorded according to law. A subdivision can include townhouses, condominium complexes, apartment complexes and multi-family housing.

The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivision:

- (A) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the County;
 - (B) The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the County Planning Commission which shall indicate that fact on the plats; and
 - (C) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.
- (56) Terrain Classifications – Classification of terrain by grade ranges as follows:

Level – Grade range of 0% to 8%
Rolling – Grade range of 8.1 to 15%
Hilly – Grade range of over 15%

- (57) Townhouse – A building or group of buildings containing a dwelling unit or units constructed in a series or group of attached units with property lines separating such units.
- (58) Traditional Septic Systems – A waste disposal system designed for the treatment and disposal of domestic sewage by means of an onsite septic tank and soil absorption system utilizing a traditional drain field on a single lot. All such systems are subject to the review and approval of the South Carolina Department of Health and Environmental Control.
- (59) Transfer or Sale of Lots – Any means by which the ownership of a property changes hands; including, but not limited to, the purchase or trade of a property subject to a mortgage, the assumption of a mortgage debt by the property purchaser, and any exchange of possession of the property under a land sales contract or any other land trust device.
- (60) Utilities – Utilities shall consist of any and all utility services to a subdivision, including water, sewer, storm sewer, electricity, telephone, cable television, gas, and sanitary sewerage, whether such utilities are supplied by a private individual, private company, authority, or a governmental entity.
- (61) View Lane – The portion of a natural buffer utilized and maintained by the property owner to enhance observation of the lake and surrounding landscapes. Typically, the vegetation in the view lane is lower in height and/or smaller in diameter than that found in the rest of the buffer.
- (62) Watercourse – Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.
- (63) Yard – A space on the same lot with a principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.
- (A) Front Yard – A yard situated between the front building line and the front lot line extending the full width of the lot.
- (B) Rear Yard – A yard situated between the rear building line and the rear lot line extending the full width of the lot.
- (C) Side Yard – A yard between the side building line and a side lot line that extends from the front yard to the rear yard.

ARTICLE 3

REQUIREMENTS AND STANDARDS

Section 3.1 Unapproved Plat Prohibition

No plat of the subdivision of any land within the unincorporated areas of Oconee County as now or hereafter established, and any incorporated municipality which contracts with the Oconee County for these regulations to be administered within such municipality, shall be filed with or recorded by the Oconee County Register of Deeds until such plat shall have been submitted to and approved by the Oconee County Planning Commission, Planning Director, or designee according to the procedures set forth in the Ordinance. No road or other way shall be accepted or maintained, nor shall any water line, sewerage, road lighting or similar improvements extended or connected, nor shall any permit be issued by any department of the County for any or other improvements in any subdivision established hereafter which has not been approved by the Oconee County Planning Department and met such requirements as prescribed by Oconee County Council.

Section 3.1 Survey Standards

Plats shall be prepared and survey data entered thereon in accordance with the most recent adopted version of the "Minimum Standards Manual of the Practice of Surveying in South Carolina" established by the SC Board of Registration for Professional Engineers and Land Surveyors provided that all elevations information shall refer to Mean Sea Level Datum or other establish datum (a minimum of 2 assumed elevation with two benchmarks). Accuracy of plats and attendant data shall be no less than that required in said manual for Class B Suburban Land Surveys.

Section 3.2 Subdivision Name

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Planning Commission shall have final approval authority for the name of the subdivision.

Section 3.3 Utilities

When utilizing a road right-of-way, all utility lines shall be buried at a depth of at least thirty six (36) inches. Such lines shall be located a minimum of two feet outside the portion of the road to be surfaced to prevent having to cut into the paved surface or reconstruct drainage structures to serve abutting properties. In order to prevent future road cuts, utility stub-outs shall be added to all utility lines extending beyond the roadway to each property line.

Section 3.4 Road Signs

Road name signs shall be installed at all intersections with a subdivision. All other signs shall be installed as required by and at the direction of the County Engineer or his/her designee. All signage will be in accordance with the Manual of Uniform Traffic Control. The developer shall be responsible for all costs of road signage for private drives, private roads, and proposed county roads (at a cost determined by resolution of County Council from time to time) prior to acceptance of road by Oconee County. Any person who shall willfully or maliciously damage, deface, remove or otherwise tamper with a sign erected by a subdivider or the county designating the name of any county road shall be guilty of a misdemeanor. In addition thereto, such person shall be liable to the county for the cost incurred by the county as a result of said criminal acts.

Section 3.5 Family Transfers

When no consideration, other than a nominal monetary amount and love and affection, is paid to the Grantor of subdivisions resulting from family transfers as defined by this section of the ordinance, the following shall apply:

Subdivision of parcels that results from the conveyance of parcels decided by parents to children, children to parent, sibling to sibling, grandparents to grandchildren or grandchild to grandparent, and does not involve the construction or extension of any road, bridge, or drainage structure to provide access to interior lots, and does not involve the creation of any new drainage easement, shall be received as information only and approved administratively by the Planning Director.

Section 3.6 Minor Subdivision (Reserved)

Section 3.7 Compliance with Road Standards

Road plans and supporting documentation needed to comply with all adopted Oconee County road standards shall be included with the submission of subdivision plans. Approval of the subdivision shall not be granted unless all applicable road standards are met.

ARTICLE 4 LOT IMPROVEMENTS

Section 4.1 Lot Arrangements

All lots shall be arranged such that there will be no apparent difficulties in securing driveway encroachment permits or building permits for reasons of topography or other conditions and must have driveway access from an approved road. The developer shall be liable for all lots within a proposed subdivision.

Section 4.2 Lot Dimensions

Except where circumstances such as topography, water courses, road alignment or existing site boundary configurations dictate otherwise, the following requirements shall apply:

- (1) Dimensions of corner lots shall be large enough to allow for the erection of buildings observing the minimum yard setbacks from both streets, without encroaching into side and rear yard setbacks, established in the building line section of this chapter.
- (2) Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for that type of development, without encroaching into yard setbacks.

Section 4.3 Lot size

Minimum lot size shall be .57 acres (approximately 25,000 square feet) with traditional onsite septic tanks served by public water, unless DHEC requires greater area or dimensions. All required set backs shall be met regardless of lot size. No part of a septic system shall be located within any road right-of-way.

Section 4.4 Building Lines

All building setback lines shall be: Front Yard twenty five (25) feet from the closest edge of the right-of-way on lots abutting local roads and forty (40) feet from the right of way on lots abutting collector roads. Side Yard setback of ten (10) feet from each property line or right-of-way and Rear Yard setback of twenty five (25) feet from the rear property line or right-of-way except for those abutting collector roads, which shall have a setback of forty (40) feet.

Section 4.5 Double Frontage Lots and Access to Lots

- (1) Every lot shall have at least twenty five (25) feet of frontage on a public or private road.
- (2) Double Frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential traffic from traffic arterials or to overcome specific disadvantages of topography and orientation.
- (3) Lots shall not in general derive access exclusively from arterial and collector roads. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial and collector roads.

Section 4.6 Usable Area

All lots adjacent to flood plains, creeks, and wetlands should use these natural features as lot boundaries when possible. Lots containing areas unsuitable for usage shall not use these areas in calculating minimum lot area.

Section 4.7 Septic System Setback

- (1) Traditional septic systems shall be constructed so that the extreme extent of the proposed leaching area's outside edge shall be no closer than one hundred (100) linear feet from any existing or proposed well; seventy-five (75) linear feet from the ordinary high water (within the banks) elevation of any impounded or natural body of water, to include lakes, ponds, rivers and streams; five (5) linear feet from all lot lines; and ten (10) linear feet from any proposed or existing structure. In the case of a mound septic system, the toe of the mound shall be considered to be the edge of the leaching area.
- (2) The applicant shall provide the Planning Director a copy of all South Carolina Department of Health and Environmental Control (DHEC) permit drawings and an approved DHEC permit application for the proposed septic systems utilized within the development.
- (3) The developer must demonstrate to the Planning Director that the proposed development will not adversely affect the present water table and the existing water supplies; and also demonstrate that the proposed water supply system will not be adversely affected by existing septic systems.

Section 4.8 Lot Drainage

Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to prevent concentration of storm water from each lot to any adjacent property. Drainage systems used to control water on one property shall not increase the water flow on adjacent properties without legal easements.

Section 4.9 Lakes and Streams

If a tract being subdivided contains a water body, or portion thereof, the ownership of and the responsibility for safe and environmentally compliant maintenance of the water body is to be placed so that it will not become a local government responsibility. The minimum area of a lot required under this ordinance may not be satisfied by land that is under water. Where a watercourse other than storm drainage separates the lot's buildable area from the road providing access, an engineer's certified structure shall be provided linking the buildable area to the road. All watercourses shall remain free of obstructions and degradations.

Section 4.10 Easements

Easements having a minimum width of (10) feet and located along the side or rear lot lines shall be provided as required for utilities and drainage.

Section 4.11 Entrances

One entrance is required for every one-hundred (100) lots in a proposed subdivision, or a maximum of one-hundred (100) lots on a dead end road with a cul-de-sac. This requirement may be waived by the Planning Director due to topography and feasibility. Every effort shall be made to not have an entrance directly onto an arterial road.

Section 4.12 Vegetative Buffers

The approval of subdivisions, site plans and/or building permits for construction of new residential units or commercial projects to be located within one thousand (1000) feet of Lakes Keowee, Hartwell, and Jocassee shall be contingent upon the establishment of a natural vegetative buffer of a width of less than twenty-five (25) feet, with a view land width of no more than 15% of the total length of a natural vegetative buffer. The buffer shall meet the following standards:

- (1) To reduce non-point source pollution, a natural buffer of twenty-five (25) feet shall be maintained with no grasses or ornamental vegetation established within that buffer. To reduce non-point pollution a vegetative buffer of twenty-five (25) feet measured horizontally from the full pond elevation shall be maintained with no manicured lawns or other managed grasses established within that buffer. A diverse mix of native plants and unmanaged (uncut below twelve (12) inches and untreated) native grasses are preferred vegetation where available and suited to the site. Additionally, no clear cutting or mowing, cultivation activities, fertilization, use of herbicides, fungicides, or pesticides shall occur within the twenty-five (25) foot buffer area. Right-of-way maintenance activities by utilities shall be exempt.

- (2) No trees larger than six-inch caliper at four feet from the ground shall be removed unless certified to be a hazard by a registered forester or arborist.
- (3) Trees may be limbed up to 50 percent of their height.

This regulation shall exempt projects that are located on parcels lying no closer than twenty-five (25) feet from a lake shoreline or are located on parcels that are not traversed, either in full or in part, by a perennial stream, designed wetland, or other water course within one thousand (1000) feet of Lakes Keowee, Hartwell, and Jocassee. The buffer shall begin at the lake's full pond level.

ARTICLE 5 BLOCKS

Section 5.1 Residential Block Length

In order that there may be convenient access between various parts of a subdivision and in order to help prevent traffic congestion and undue inconvenience, the length of blocks hereafter established should not exceed eighteen hundred (1,800) feet and shall not be less than six hundred (600) feet; provided, however, that such length may be modified when appropriate due to the topography or physical shape of the property being subdivided.

Section 5.2 Residential Block Width

Blocks shall have sufficient width to allow two (2) tiers of lots. Blocks may be one lot in depth at the boundary of the subdivision, or where single-tier lots are required to separate residential development from through vehicular traffic or nonresidential uses.

ARTICLE 6 DRAINAGE AND STORM WATER

Section 6.1 General Requirements

In most cases the land disturbance permit required by DHEC will have considered the information needed for compliance with this section. However, Oconee County will review the information to ensure that all storm water runoff will be removed from proposed developments in perpetually maintained drainage systems designed to avoid damage to personal property. The Planning Director shall not approve any plat of subdivision which fails to make adequate provision for storm or flood water runoff channels or basins. Storm water drainage systems shall be separate and independent of any sanitary sewer system. Inlets shall be provided so that surface water is not carried across or around any road intersection except where routing around of small volumes is approved in writing by the County Engineer.

Section 6.2 Nature of Storm Water Facilities

The applicant may be required by the Planning Department or County Engineer to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with accepted engineering standards and specifications as approved by the County Engineer. All swales, ditches, or other open drainage shall be constructed and established to minimize erosion as approved by the County Engineer.

Section 6.3 Accommodation of Upstream Drainage Areas

The owner's engineer shall determine, verify, and design drainage facilities that are large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.

Section 6.4 Effect on Downstream Drainage Areas

The Owner's Engineer shall study and provide the Planning Director and County Engineer with sufficient data proving that there are no adverse impacts on existing downstream drainage facilities outside the area of the subdivision. Where it is determined that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Director may withhold approval of the subdivision until provision has been made for the improvement of said potential condition.

Section 6.5 Floodplain Areas

Floodplain areas shall be noted on all plans and plats for proposed development, and shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material, or stumps, unless explicitly permitted by DHEC, or other appropriate state agency. All construction activity within a development shall comply with standards of Oconee County Flood Plain Ordinance.

- (1) Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose and to accommodate maintenance equipment and activities. Wherever possible, it is desirable that

the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The Planning Department will review the information required by the DHEC land disturbance permit to ensure the intentions of 6.12 are met.

- (2) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on all plats. Drainage easements shall be carried from the road to a natural watercourse or to other approved or adequate drainage facilities.
- (3) When a proposed drainage system will increase the maximum flow of water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, included in areas for dedication, shall be preserved and retained in their natural state as drainage ways except where improvements such as grassing, walkways, and playground areas are specifically approved by the Planning Director.
- (5) All rights-of-way shall contain a permanent drainage easement for all water runoff from the road right-of-way as deemed necessary by the County Engineer. It shall be the responsibility of the owner/developer to acquire any necessary drainage easements from private landowners.

ARTICLE 7 WATER FACILITIES

Section 7.1 General Requirements

- (1) Where a public water main is within one thousand (1000) feet of a subdivision boundary, the developer shall connect thereto and install adequate central water facilities. Where the accessible public water main is six (6) inches or greater in diameter, distribution lines shall be at least six (6) inches in diameter. In the event that the water supplier certifies the existence of insufficient water pressure to provide service to six (6) inch distribution lines to the site, the Planning Director shall permit appropriate reductions in the diameter of distribution lines. In cases along permanent cul-de-sacs or circles less than one thousand (1000) feet in length, a minimum diameter of two and one-half (2½) inches is permitted.
- (2) Water distribution systems shall be approved by the designated utility entity and the appropriate division of DHEC.
- (3) The location and design of all water system improvements shall be shown on the preliminary plat, and the cost of installing same shall be included in any bond to be furnished by the developer.
- (4) All utility lines shall be located a minimum of two (2) feet outside of road surface areas at the edge of the rights-of-way and shall be buried at a depth of at least thirty six (36) inches. When the sewer line is located in a road right-of-way and it

will be necessary to cut into the road surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the road.

Section 7.2 Individual Wells and Central Water Systems

If a public water system is not available, wells may be used or a package central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Central water systems shall be approved by the appropriate division of DHEC. Orders of approval shall be submitted to the Planning Department.

Section 7.3 Fire Hydrants

Fire hydrants shall be required for all subdivisions except where individual wells are used or a water main of less than six (6) inch diameter is permitted, and shall be located as defined in the adopted fire code and shall be approved by the applicable fire protection entity. In the event no adequate water supply is available, alternative methods of fire protection may be approved by appropriate fire officials, provided such measures are provided for under adopted fire code. To avoid future road cutting, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed and approved before any final paving of a road shown on the subdivision plat.

Section 7.4 Wastewater Facilities

- (1) Where a public sanitary sewerage system is reasonably accessible and available, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision. When the sewer line is located in a road right-of-way and it will be necessary to cut into the road surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the road.
- (2) Sanitary sewer shall be designed and installed to the design standards and specifications of the city, county, or public service district into whose sewer system the subdivision is connecting and all design standards and specifications of the appropriate DHEC division.
- (3) Where public sanitary sewerage systems are not reasonably accessible or available, package, central or individual waste collection/treatment systems may be provided. These systems must be approved by the appropriate division of DHEC prior to approval of any preliminary subdivision plan.

ARTICLE 8

NONRESIDENTIAL SUBDIVISIONS

Section 8.1 ***General***

If a proposed subdivision includes land that is proposed for commercial, industrial or other nonresidential purposes, the layout of the subdivision shall incorporate such provisions and facilities as required by the standards set forth in section 8.2 below.

Section 8.2 ***Standards***

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the road, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed nonresidential parcels shall be suitable in area and dimensions to the types of industrial/commercial development anticipated.
- (2) Road rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated.
- (3) Special requirements may be imposed by the county with respect to road, curb, gutter, and sidewalk design and construction.
- (4) Every effort shall be made to protect adjacent residential areas from potential nuisances from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- (5) Roads carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE 9 SECURITY IN LIEU OF COMPLETION OF IMPROVEMENT

In lieu of the completion of the physical development and installation of the required improvements prior to the final plat approval, Oconee County may accept a financial guarantee in the form of cash, bond, or escrow letter of credit with an approved financial institution, in an amount and with conditions satisfactory to it, securing to the County the actual construction and installation of such improvements and utilities within a period specified by the County Engineer.

- (1) If the subdivider wishes to have a final plat approved prior to the installation, inspection and approval of all required improvements he may file a performance of surety bond executed by a surety company licensed to do business in the State

- of South Carolina, in an amount equal to one hundred twenty five percent (125%) of the owner's engineer (and verified by the County Engineer) estimated cost to complete the improvements. The bond shall guarantee the completion of all improvements within a time prescribed by the Planning Director.
- (2) If the subdivider wishes to have a final plat approved prior to the installation, inspection and approval of all required improvements, he may establish an escrow account with the County into which the subdivider shall place, prior to the sale of any lot in the subdivision, an amount equal to one hundred twenty five percent (125%) of the owner's engineer (verified by the County Engineer) estimated cost to complete the improvements. Funds in such escrow account shall be returned to the subdivider following completion of all improvements within time limits prescribed by the County Engineer. The final determination for returning the escrowed money to the developer shall be made by the County Engineer.
 - (3) In the event that required improvements are not completed, inspected and approved within the required time, the County may expend escrowed funds, securities, or performance bond funds to complete the required improvements. The Planning Director may also, at his discretion, withhold building permits or occupancy permits in such subdivision until such improvements are completed. In which case, it shall then be unlawful to sell any further lots in the subdivision until all improvements are completed. No occupancy permits shall be issued within the subdivision, unless street improvements are at least adequate for vehicular access by the prospective occupant(s) and by the emergency vehicles and personnel.
 - (4) No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the County Engineer for the subdivision have been fully completed and the County has accepted all as-built drawings.
 - (5) The developer shall be required to maintain all required public improvements on the individual subdivided lots, if required by the Planning Director, until acceptance of the improvements by the appropriate utility or government entity. If there are any certificates of occupancy on a street not dedicated to the County, the County may on twelve (12) hours notice effect emergency repairs and charge those costs to the developer.
 - (6) Surety bonds will be returned to the developer following delivery of all as-built drawings to the County Engineer, and after acceptance of all improvements by the County.

ARTICLE 10 PLAT REQUIREMENTS AND REVIEW PROCEDURES

Section 10.1 General

No lot proposed to be created through the creation of a subdivision shall be sold until a final plat showing the subdivision has been approved by the Planning Director, and has been recorded with the Oconee County Register of Deeds.

Section 10.2 Application Review

The Planning Director may approve a minor or exempt subdivision, containing no new roads, after reviewing the final plan.

Section 10.3 Plat Recordation

The Planning Director's approval of a subdivision final plan is contingent on submission of four (4) original copies of the plat to the Oconee County Register of Deeds, and recordation of the plat by the Register of Deeds. An authorized copy of the recorded plat shall be submitted to the Planning Director.

Section 10.4 Appeal of Decision

Any person aggrieved by the Planning Director's decision to approve or deny an application for subdivision approval may appeal the decision to the Planning Commission in writing within ten (10) working days of said decision as outlined in chapter one (1) of this ordinance.

ARTICLE 11 SKETCH PLAN

Section 11.1 Sketch Plan Review Conference

All persons intending to subdivide or develop property are strongly encouraged to confer with the Planning Director prior to proceeding. Proposed developments consisting of twenty (20) new housing units shall schedule a sketch plan review prior to any formal application.

Section 11.2 Basic Sketch Plan (Optional Requirements for Developments less than twenty (20) units.)

- (1) The Sketch Plan shall be drawn to show the approximate layout of the proposed subdivision and its relationship to the surrounding area.

- (2) Sketch Plans are informal, exploratory examinations of a proposed idea. The Planning Director will review the proposed layout and discuss any issues with the subdivider and may require a detailed sketch plan to be submitted.

Section 11.3 Detailed Sketch Plan (Required for 20 or more lots)

- (1) The Sketch Plan shall be drawn at an approximate scale of not less than a scale of two hundred (200) feet to one inch and shall include a Vicinity Map at a scale of not less than two (2) miles to one (1) inch showing the relationship of the proposed subdivision to the surrounding areas.
- (2) All Sketch Plan Submittals shall include the following in sketch or narrative form:
 - (A) An accounting of total acreage in the tract to be divided and number of lots proposed;
 - (B) Arrangement, shape, dimensions, and area of proposed lots;
 - (C) Location of existing property lines, easements, road right-of-ways, buildings, or other public ways adjoining the tract to be subdivided;
 - (D) Alignment, right-of-way width, and clarification of proposed roads;
 - (E) Topography by contour at intervals of not more than twenty feet (as from USGS quad sheets);
 - (F) Map scale, north arrow, and date;
 - (G) Name/address/telephone number of legal owner or agent and the professional (surveyor or engineer) who will undertake detailed subdivision layout and improvements design;
 - (H) Location of water courses and land subject to flooding based on a one hundred (100) year frequency flood. Owner's surveyor shall indicate if property is or is not in a floodplain;
 - (I) The existing and proposed uses of land throughout the subdivision;
 - (J) Proposed method of water supply and wastewater treatment and other utility service;
 - (K) The proposed name of the subdivision.
- (3) A subdivider shall submit a Sketch Plan of the entire tract even if the subdivider's present plans call for the actual development of only a part of the property. All phases of the subdivision must be shown on the sketch plan and marked as future development.
- (4) Prior to sketch plan submittal, the subdivider is encouraged to interact with the County Soil and Water Conservation District to obtain soil survey information and written site evaluation comments to be included as part of the sketch plan submittal.
- (5)

Section 11.4 Sketch Plan Review

- (1) A subdivider shall submit sketch plan copies and application forms in quantities specified by the Planning Director. The Planning Director shall obtain input from

- the County Engineer and affected agencies and shall provide comments in the form of a composite list to the subdivider within fifteen (15) working days of sketch plan submitted.
- (2) If the subdivider disagrees with comments provided, the subdivider may request an informal review by the Planning Commission in accordance with the Oconee County Planning Commission Rules of Procedure.
 - (3) In reviewing a sketch plan and sketch plan comments, the Planning Commission may affirm such comments or modify them to the extent as such modifications do not depart from the provisions of these adopted regulations.

ARTICLE 12 PRELIMINARY PLAN AND SUPPORTING DATA

Section 12.1 Submittal Requirements

- (1) Applications for preliminary approval of a subdivision shall be submitted to the Planning Director for review.
- (2) The applicant shall submit all appropriate fees at the time of application.
- (3) Applications shall include four (4) copies of the proposed preliminary plan.
- (4) The applicant shall submit all responses, amended plans, additional information, or any other necessary materials to satisfy all adopted Oconee County regulations.
- (5) An applicant may withdraw an application for subdivision approval at any time by submitting written notice to the Planning Director.
- (6) It shall be unlawful for construction to commence prior to preliminary approval of the plan as defined in this ordinance.
- (7) Preliminary approval typically permits a developer to proceed with the construction of all roads, utilities, and public infrastructure.
- (8) A copy of a preliminary letter of approval from the appropriate division of the South Carolina Department of Health and Environmental Control (DHEC) shall be required for subdivisions served in part or in whole by individual onsite septic systems.
- (9) An electronic copy of the proposed development plan showing the layout of the subdivision in an approved format and file extension shall be required.

Section 12.2 Preliminary Plan Requirements

General

The Preliminary Plan shall include the following:

- (1) The preliminary plan shall be drawn at a scale of two hundred (200) feet to one (1) inch or greater, and shall include a vicinity sketch at a scale of not less than one (1) inch = two (2) miles. Sheet sizes should be 8.5" x 11", 8.5" x 14", 11" x 17", 18" x 24", or 24" x 36". This map and supporting data shall be prepared

- according to standards set forth in this ordinance and shall contain the following sections: General, Existing Conditions, and Proposed Conditions.
- (2) The proposed name of the subdivision, name/address/telephone of owner and/or subdivider, and name/address/telephone of surveyor and/or engineer.
 - (3) A graphic scale, north arrow and date (north arrow shall be identified as magnetic, true, or grid).
 - (4) The acreage to be subdivided.
 - (5) The boundaries of the tract to be subdivided with all bearings and distances indicated.
 - (6) A SC DHEC approved Storm Water Pollution Prevention Plan (SWPPP).
 - (7) The following statement:

"NO COUNTY BUILDING PERMITS SHALL BE ISSUED FOR PROJECTS ON INDIVIDUAL LOTS PRIOR TO THE RECORDING OF A FINAL PLAN IN THE OFFICE OF THE REGISTER OF DEEDS"

Existing Conditions

The Preliminary Plan shall include the following:

- (1) Deed record names of adjoining property owners or subdivisions.
- (2) Location of water courses and land subject to flooding based on a one hundred (100) year frequency flood. Owner's surveyor shall indicate if property is or is not located in a floodplain.
- (3) Location of adjoining property lines and existing building on the property to be subdivided.
- (4) Location and right-of-way of roads, railroads, and utility lines either on or adjoining the property to be subdivided.
- (5) Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the site and adjoining the tract.
- (6) The acreage of each drainage area affecting the proposed subdivision.
- (7) Topography by contour at intervals of not more than twenty feet (as from USGS Quad maps).
- (8) Elevations shall refer to sea level or assumed elevation with a minimum of 2' bench mark near the site.
- (9) Location of city and county line, if applicable, and a statement identifying the location of the nearest central water and sewer lines and fire department and the distance from same to the tract being subdivided.

Proposed Conditions

The Preliminary Plan shall include the following:

- (1) Total number of lots, total acreage, total length of new roads.
- (2) Layout of roads including all right-of-way, public crosswalks, road names or designations, grades, and cross sections.
- (3) Profile of proposed roads showing natural and finished grades.

- (4) Layout of all lots, including area, building setback lines, scaled dimensions of lots, lot and block numbers, utility easements with width and use.
- (5) Construction Plan of sanitary sewers (if applicable) with grade, pipe size, and location and permit to construct from DHEC and approval of the appropriate utility provider.
- (6) Storm sewers shall be sized to accommodate runoff based upon the 10-year design storm except road crossings shall be a minimum of 25-year design storm.
- (7) Construction Plan for water supply system (if applicable) with pipe size and location of hydrants and valves and permit to construct from DHEC and, where applicable, approval of the appropriate utility provider.
- (8) Designation of all land to be reserved or dedicated for public use.
- (9) Designation of proposed use of all lots.
- (10) Proposed major contour changes in areas where substantial cut and/or fill is to be done.

NOTE: Refer to survey requirements

Section 12.3 Preliminary Review Procedure

- (1) The Planning Director shall notify all appropriate review agencies for comments. These may include, but are not limited to the following:
 - (A) Appropriate division of DHEC
 - (B) Soil and Water Conservation Office
 - (C) Appropriate public service district or city as applicable
 - (D) County Public Works Department
 - (E) Appropriate fire protection entity
 - (F) County Engineer
 - (G) Oconee County Sewer Commission
 - (H) Oconee County School District
- (2) Agencies and departments shall provide written comments to the Planning Director within fifteen (15) working days of the date of the preliminary plan application.
- (3) The Planning Director shall render a decision within twenty five (25) working days of the date of preliminary plan application. The Planning Director's action and reasons therefore shall be transmitted in writing to the subdivider.
- (4) Agencies and departments shall provide written comments to the Planning Director within fifteen (15) working days of the date of the preliminary plan application.
- (5) Once the submitted plans are deemed to be in compliance with all applicable Oconee County ordinances, the applicant shall be notified in writing that the plans have been preliminarily approved.
- (6) The Planning Director may grant conditional preliminary approval to insure compliance with all County Ordinances. All such conditions shall be met prior to final approval.

- (7) If a plan is approved subject to conditions, the subdivider shall submit plan exhibits amended to incorporate such conditions within twenty (20) working days of such approval. Preliminary plat approval shall be effective for one (1) year provided the Commission may extend same for up to one (1) additional year upon written request from the subdivider.
- (8) A subdivider, or other party materially affected by the Planning Director's decision, may appeal for review by the Planning Commission. Such appeal shall detail the reasons therefore, and be made in writing within ten (10) working days of the Planning Director's action. Affected parties shall be notified in writing of the Planning Commission's determination. The Planning Commission's decision may be appealed to the Circuit Court within thirty (30) days after the actual notice of the Commission's decision.
- (9) Variances shall be considered by the Planning Commission pursuant to Section 1.5.5(3) of the United Performance Standards Ordinance and conducted in a manner consistent with standards put forth in Oconee County Planning Commission Rules of Procedure.

ARTICLE 13 FINAL PLAN

Section 13.1 Submittal Requirements

- (1) A person seeking final approval of a subdivision shall submit an application to the Planning Director for review by this ordinance.
- (2) The applicant shall also submit all appropriate fees at the time of application.
- (3) Where the improvements required by this ordinance and the preliminary plan have not been completed prior to the submission of the Final Plan for approval, approval of the plan shall be subject to the owner filing a Performance Guarantee in the form of cash and/or surety with the Oconee County according to the provision set forth in this ordinance.
- (4) Upon 90% completion of the construction of road and utilities of a preliminarily approved subdivision, a final "as built" plan shall be submitted to the Planning Director noting any changes from the preliminarily approved plans.
- (5) The Planning Director's approval of a final plan is contingent on submission of four (4) original stamped copies of the plat to the Oconee County Register of Deeds.
- (6) A copy of the recorded plat authorized by the Register of Deeds shall be submitted to the Planning Director.
- (7) Where individual septic waste disposal is proposed, the developer shall provide a letter of final subdivision approval from the appropriate division of DHEC identifying each lot for which individual waste disposal is approved.

Section 13.2 Final Plan Requirements

The Final Plan shall include the following:

- (1) If the Final Plan is drawn in two or more sections, each section shall be accompanied by a key map showing the location of the several sections. Final

- plans shall be drawn at a scale of no less than one hundred (100) feet to one (1) inch; shall be drawn on sheets 8.5" x 11", 8.5" x 14", 11" x 17", 18" x 24", or 24" x 36"; shall be prepared according to the standards set forth in this ordinance.
- (2) Name of owner of record.
 - (3) Name of subdivision and identification number assigned, date, north arrow, and graphic scale.
 - (4) Name, registration number, and seal of registered surveyor.
 - (5) Sufficient surveying data to determine readily and reproduce accurately on the ground the location, bearing, and length of every road line, lot line, easement, boundary line, and building line whether curved or straight. Curve boundaries will be defined by curve data to include the radius, delta angle, total area, length and the long chord by bearing and distance and shall also be defined as a traverse of chords around the curve using bearings and distance.
 - (6) Names of owners of record of all adjoining land, all property boundaries, water courses, roads, easements, utilities and other such improvements, which cross or form a boundary line of the tract being subdivided.
 - (7) Exact boundaries of the tract of land being subdivided as noted in the survey article of this Ordinance.
 - (8) Roads, rights-of-way, percent of grades and road names. Steel or iron rods at least twenty inches long and one half inch in diameter shall be placed at all lot corners and at all other survey points not marked by permanent monuments. Property lines extending to road centerlines shall be marked by an iron stake on all offset with location clearly shown on the plat and selected so corners lie on a line of survey or a prolongation of such lines.
 - (9) Rights-of-way or easement; location, widths, and purposes.
 - (10) Lot lines, minimum building setback lines, and lot and block indicators.
 - (11) Any parks, school sites, or other public spaces.
 - (12) All dimensions shall be to the nearest one hundredth (1/100) of a foot and angles to the nearest twenty (20) seconds.
 - (13) Accurate description of the location of all monuments and markers.
 - (14) Utility easements, showing the widths of the following: (1) water, (2) gas, (3) sanitary sewer, (4) storm drainage, and (5) electrical line.
 - (15) Where individual septic waste disposal is proposed, a letter of final subdivision approval from the appropriate division of DHEC identifying each lot for which individual waste disposal is approved. Areas or lots not so approved shall not be included on the final plat unless restricted to prohibit construction of building space thereon by such notation as "reserved exclusively for open space", etc.

Section 13.4 Final Plat Certificates

The following certificates shall appear on the Final Plat which is submitted to the Planning Commission by the subdivider:

Certificate of Accuracy (signed when submitted)

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Oconee County Land Development and Subdivision Regulations and the monuments shown have been placed to the specifications set forth in said regulations.

_____, 20____

Registration No. _____ Registered Land Surveyor

Certificate of Ownership and Dedication (signed when submitted)

It is hereby certified that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all roads, alleys, walks, parks, and other sites to public or private use as noted.

Date

Owner

Owner

Certificate of Maintenance for Private Roads (when applicable)

The road right-of-way shown on this plat shall be private drives not owned, maintained, or supervised by Oconee County, and were not constructed pursuant to any plan for future acceptance by Oconee County. Road right-of-ways shown upon the plat shall not be accepted for maintenance by Oconee County at any time in the future unless constructed in accordance with all adopted Oconee County regulations. Maintenance of the right-of-way shall be the responsibility of

Date

Owner / Developer

Certificate of Security in Lieu of Completion (when applicable)

The developer of this subdivision has filed the appropriate security of lieu of completion prior to recording the final plat.

Date

Planning Director

Certificates of Construction (one or both as applicable/signed when submitted)

I hereby certify that the roads and drainage system, in _____ Subdivision as shown on Plat dated _____, prepared by _____ have been installed substantially in accordance with the Preliminary Plan (Construction Drawings) approved _____.

SEAL

Registered Engineer or Surveyor

I hereby certify that central () water () sewer systems in _____ Subdivision as shown on Plat dated _____, prepared by _____ have been installed in accordance with Preliminary Plat (Constructed drawings) approved _____.

SEAL

Registered Engineer or Surveyor

Certificate of Approval (to be signed upon approval)

The subdivision plat hereon has been found to comply with the Oconee County Land Development Regulations and has been approved for recording. I certify that this plat creates a subdivision subject to and approved in accordance with the ordinances of Oconee County.

Date

Planning Director

Section 13.5 Final Plan Review Procedure

- (1) Final approval of the submitted plans shall be granted to the applicant after a review by the Planning Director.
- (2) Final plan application shall include all of or phases of a subdivision for which preliminary approval was granted, and shall contain documentation that all required improvements have been installed and certified.
- (3) Final plan applications may be considered, at the discretion of the Planning Director, if accompanied by the required security in lieu of completion of improvement.
- (4) Upon a determination that the final plan application is completed, the Planning Director shall render a written approval or rejection. Said decision shall be made within thirty (30) working days of application submittal.

A subdivider or any party materially affected by the Planning Director's decision may appeal to the Planning Commission in writing within ten (10) working days of said decision. The Commission shall schedule a hearing, conduct said hearing, and render a decision within sixty (60) days of the date of appeal. The decision of the Commission is final. The decision of the Commission may be appealed to the Circuit Court within thirty (30) days after the actual notice of the Commission's decision.

ARTICLE 14 APPEAL OF DECISION

Any person aggrieved by the Planning Director's decision to approve or deny an application for minor subdivision record plat approval may appeal the decision to the Planning Commission in writing within ten (10) working days of said decision as outlined in chapter one (1) of this ordinance.

ARTICLE 15

VIOLATIONS AND PENALTIES

- (1) Any violation of these regulations shall be a misdemeanor and, upon conviction, is punishable as provided by law.
- (2) Unapproved subdivision and subsequent transfer or sale of lots - Any such agreement, negotiated before such plat has been approved by the Oconee County Planning Commission and recorded by the Oconee County Register of Deeds shall be considered a violation of this Ordinance and punishable as provided herein. The description of metes and bounds in the instrument of transfer or other documents used in the process of selling or transfer shall not exempt the transaction from these penalties. Oconee County may enjoin such transfer or sale or agreement by appropriate action.

ARTICLE 16

LEGAL PROVISIONS

The regulations expressed in this document shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

Section 16.1 Conflict with Other Laws, Ordinances, or Regulations

Whenever the requirements made under authority of these regulations impose higher standards than are required in any statute or local ordinance or regulation, provisions of these regulations shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulations shall apply.

Section 16.2 Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole, or any other part thereof, other than the part so declared to be unconstitutional or invalid.

Section 16.3 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 16.4 Amendments

The Planning Commission shall hold a public hearing on any proposed amendment to these regulations; notice of time and place shall be given at least thirty (30) days prior to the hearing date. The notice shall be placed in a newspaper of general circulation. Amendments may be adopted by vote of the Oconee County Council.

OCCONEE COUNTY, SOUTH CAROLINA

ATTEST:

George Blanchard
Chairman, Oconee County Council

Elizabeth G. Hulse
Clerk to County Council

First Reading: November 6, 2008
Second Reading: November 18, 2008
Public Hearing: December 2, 2008
Third Reading:



**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: _____
COUNCIL MEETING TIME: _____**

ITEM TITLE OR DESCRIPTION:

site lease

Request for additional funding and approval of contract award for the sixth radio site at Piedmont Forestry. Presently, we have \$133,005.00 in Account 012-104-82009-00000. Additional funding needed is \$123,520.00 (see attached summary sheet).

BACKGROUND OR HISTORY:

This sixth site is the last site to complete the Oconee County Voter Network that was designed in 2001. The original design was for six sites. The county only approved funding for four sites. Funding was based on the fact that we would use existing systems and joint partner with other agencies or industries where we would have minimum facility costs involved. Funding was approved in FY2005-2006 for the fifth and sixth sites. The fifth site was completed in 2007 by sharing the facilities of WRAF FM Station in Toccoa Falls, Georgia. It was our intention to use joint facilities owned by Duke Power or one of the water towers in the county where we would not have to do excessive construction. I personally ran radio plots and they were rerun by Mark Youngblood, Chief Engineer for Duke Energy at all of their facilities as well as other facilities we accessed within the county. The location that we discovered which will give the best coverage on the eastern part of the county was a site located at Piedmont Nursery. Just to be sure this was the best site, we had our radio dealer run a third site test at that location to confirm the best location for our sixth site. All this analysis was completed in May 2008. Since that time we have been working with the State Forestry to get an agreement to use that site. An agreement is attached.

SPECIAL CONSIDERATIONS OR CONCERNS:

This site is the only radio site in the system that has no commercial power hookup, no building, and no tower facilities; everything at this facility has to be provided as a total new site. Equipment, tower, building, security fencing, landscaping, and minimum road establishment is about 1500 feet off the main road. Therefore, the investment in this site will be the most expensive for a total of \$256,520.00 with a need of only \$123,520.00 additional funding.

STAFF RECOMMENDATION:

I recommend that funding be approved for the sixth and final radio site. It has taken almost a year to locate, validate the site, and prepare a lease with the state. The year is for 30 years, five year renewable.

FINANCIAL IMPACT:

Total cost of the project is \$256,520.00. We have \$133,005.00 but an additional \$123,520.00 is needed.

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No

If yes, who is matching and how much:

ATTACHMENTS

Forestry Service Agreement
Cost Proposal

Submitted or Prepared By:


Department Head/Elected Official

Approved for Submitted to Council:


Dale Surrent, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Grants

C: Clerk to Council

OCONEE COUNTY COMMUNICATIONS
SIXTH RADIO SITE
COST PROPOSALS

Electrical and microwave	\$ 60,000.00
Equipment	\$ 62,000.00
Tower	\$ 103,000.00
Fencing	\$ 10,000.00
Building and Landscaping	\$ 20,000.00
SUBTOTAL	\$ 255,000.00
LESS LABOR	\$ (13,000.00)
SUB TOTAL	\$ 242,000.00
TAX	\$ 14,520.00
TOTAL	\$ 256,520.00

OCONEE COUNTY EMERGENCY COMMUNICATIONS/911
SHERIFF-POLICE-FIRE-HAZMAT-RESCUE-EMERGENCY ALERT

Walhalla, South Carolina 29691

Office (864) 768-1010

Dispatch (24 hours) (864) 688-2111

Fax: (864) 688-4989

Termy Wilson

Chief Deputy

Barbara Johnson
1515 Pine Street

John A. Murray - C.P.E.
Director of Communications/911

Robert P. Swanson
Chief Dispatcher

May 16, 2008

Mr. David Owen
S. C. Forestry Commission
Construction and Real Property
P. O. Box 21707
Columbia, SC 29221

Dear David,

Thank you and Paul for assisting me with searching for a possible radio site in February at the Piedmont Center. Based on the data that I have collected the site that we visited, 1421 feet n 34.55 36.6 W83.0E 12.6 off Nursery Road is the best site based on the technical radio frequency plots.

With your assistance, we are requesting a 30 year lease on the property with ^{five} year increments for renewal. I would assume that the agreement would be similar to the one we have at the Oakway Site. Once the lease agreement is in place, we will install the following:

1. A remote receiver site for Oconee County's integrated VHF/UHF radio public safety network. The only agencies Oconee County would be servicing are Law Enforcement, Fire, and Emergency Services.
2. Oconee County would install a small concrete building approximately 120 square feet with either a battery or small generator backup. If we install a generator it would be LP powered with the tank buried.
3. We would have a 90' tower with approximately 5 antennas on the tower.
4. A comprehensive lightning and ground protection mat would be installed.
5. Oconee County would coordinate with a local public utility to install electrical service to the building.
6. The tower and building would be inside a 10' high chain link fence with three strands barbed wire and one gate 42" wide.
7. A small limited access road would be graded to the site.

Generally we would be glad to accommodate other public safety agencies at the site as long as there was no radio interference. Since this is a receive only site, linked by 5.4 GHz microwave it is imperative that we minimum RF interfaces at the site.

As I explained to you in my various discussions, this is the last location in the county that is needed to complete our public safety radio system. We have five other remote sites, but this is the first site that had no public utilities, existing building, or existing security facilities available. This sixth site will be our largest investment in the network. As soon as I receive the lease arrangement from you, I will present it to our County Administrator then move forward for signatures.

Please contact me if you need additional information or more explanation. Thank you again for your cooperation and assistance.

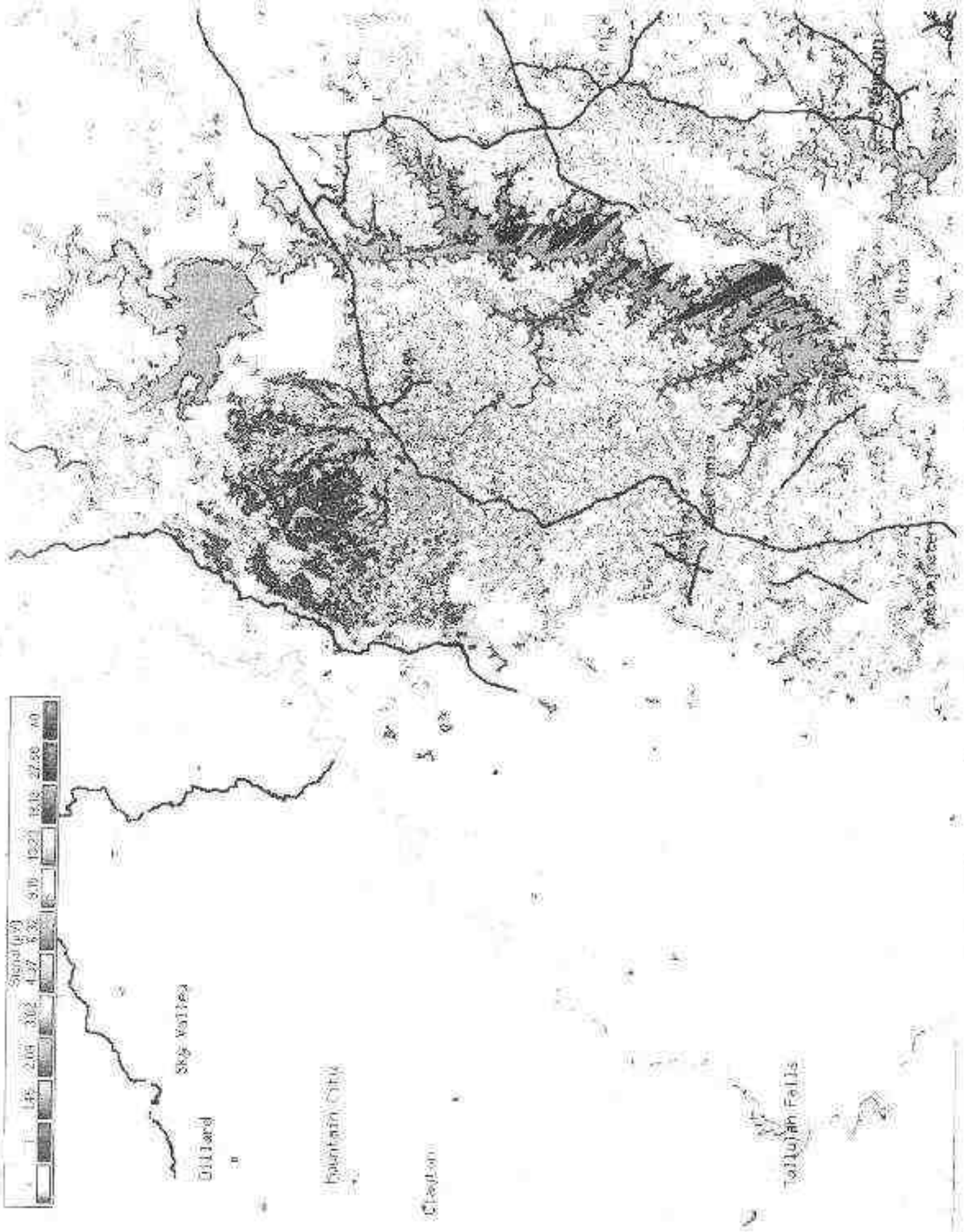
Sincerely,



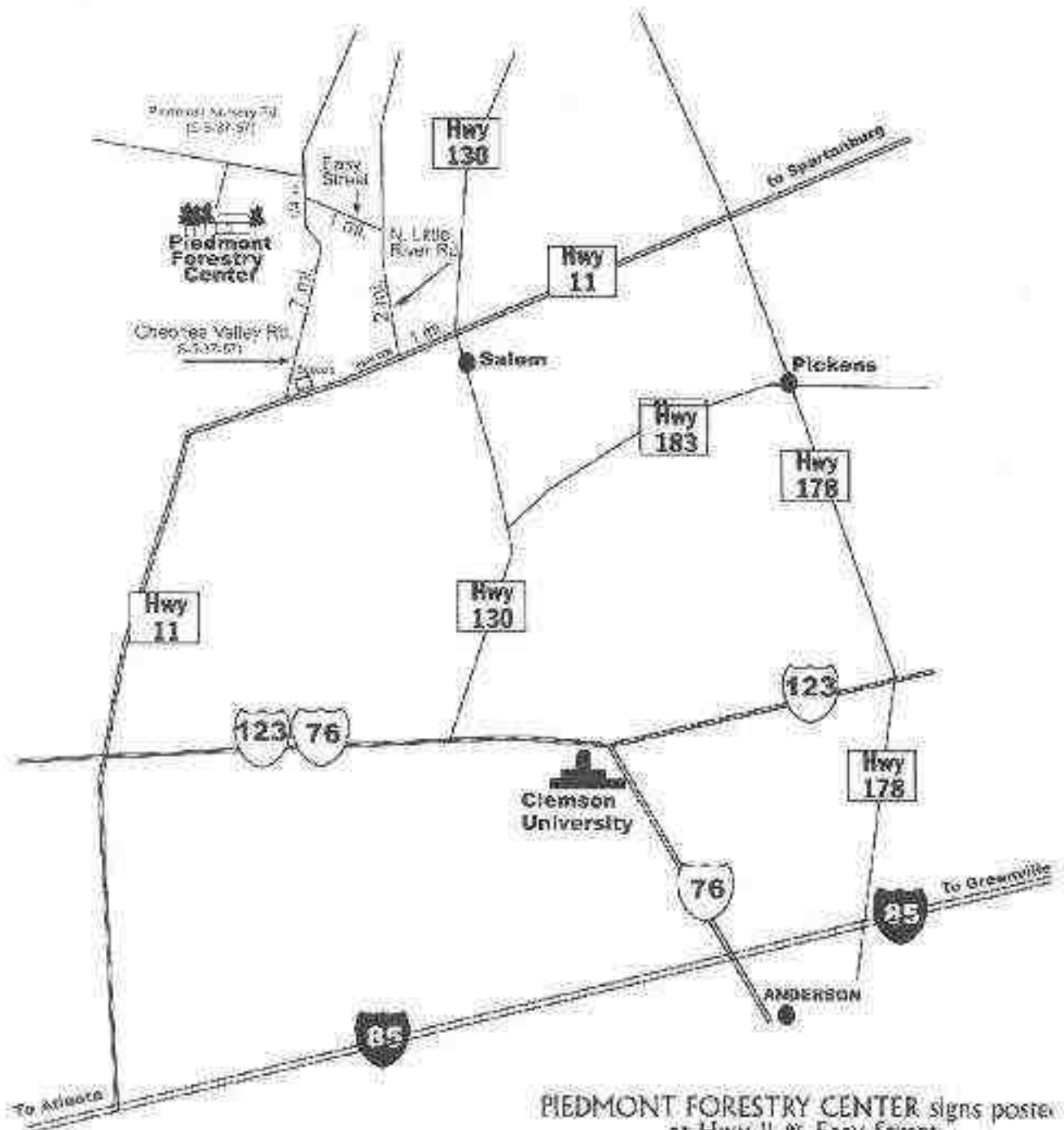
John A. Murray, Director
Geocoe County Communications

JAM/wh

cc: Dale Surratt, Geocoe County Administrator
Chief Jerry Wilson, Geocoe County Sheriff's Office
Rodney Barden, Director of Emergency Services



Directions to the Piedmont Conference Center



From Clemson - Hwy 76 and 123
 right on Hwy 130 through Salem
 Left on Hwy 11
 1 mile
 Right on N. Little River Road [S-37-57]
 2 miles
 Left on Easy St. [S-77-R31]

PIEDMONT FORESTRY CENTER signs posted
 at Hwy 11 & Easy Street -
 N. Little River Rd. & Easy Street -
 Cheochee Valley Rd.

1/4 mile
 Right on Cheohee Valley Rd.
 (1/4 mile approx.)
 Left on Piedmont Nursery Rd.
 Left into conference center.

From Pickens: Approximately 28 miles

1. In Pickens, go North on Hwy. 178 to Hwy. 11 (approximately 8.6 miles)
2. Turn LEFT onto Hwy. 11/ Cherokee Foothills Scenic Hwy. and follow Hwy. 11 for approximately 15.5 miles
3. Turn RIGHT at the gas station onto N. Little River Road (SC S 37 57) at the Piedmont Forestry Center Sign.
4. About 2 miles up N. Little River Road turn slightly Left onto Easy Street (SC S 37 534)
5. About 1.5 miles turn RIGHT onto Cheohee Valley Road.
6. The entrance to the Piedmont Forestry Center will be on your LEFT a short distance ahead.
7. Follow the road down the hill then turn left towards the large building just below the pond.

From Columbia: Approximately 165 miles

(this route is the easiest to follow – you can use Mapquest to find a more direct route if desired)

1. Take I-26 West past Spartanburg to Exit 5 (Hwy 11) (approx. 105 miles)
2. Turn left on Hwy. 11 and go approx. 65 miles to N. Little River Road. You will cross Highways 176, 14, 25, and 178 – stay on Hwy. 11.
3. Turn RIGHT at the gas station onto N. Little River Road (SC S 37 57) at the Piedmont Forestry Center Sign.
4. About 2 miles up N. Little River Road turn slightly Left onto Easy Street (SC S 37 534)
5. About 1.5 miles turn RIGHT onto Cheohee Valley Road.
6. The entrance to the Piedmont Forestry Center will be on your LEFT a short distance ahead.

From Clemson: Approximately 27 miles

1. Highway 78 and 123 towards Seneca
2. Turn RIGHT onto Highway 130 and follow 130 through Salem until you reach highway 11.
3. Turn LEFT on Highway 11 – travel 1 mile to gas station on the right (look for Piedmont Forestry Center sign)
4. Turn RIGHT at gas station N. Little River Road – travel 2 miles
5. Turn LEFT on Easy Street (following the Piedmont Forestry Center signs) – travel 1.5 miles
6. Turn RIGHT on Cheohee Valley Road – travel approximately 1/4 mile
7. Turn LEFT onto Piedmont Nursery Road.

From Spartanburg:

1. Take Interstate I-26 toward Asheville. Take Exit 5 (Hwy. 11) and turn LEFT towards Campobello.
2. Travel on Hwy. 11 for approximately 65 miles. Look for Hwy. 130 as a landmark that you are close (1 mile till the gas station)
3. Turn RIGHT at the gas station onto N. Little River Road (SC S 37 57) at the Piedmont Forestry Center Sign.
4. About 2 miles up N. Little River Road turn slightly Left onto Easy Street (SC S 37 534)
5. About 1.5 miles turn RIGHT onto Cheohee Valley Road.
6. The entrance to the Piedmont Forestry Center will be on your LEFT 1/4 mile ahead.

Piedmont Forestry Center, 130 Piedmont Nursery Road, Tamasee, SC 29686

[WOOD MAGIC INFO Page/ Piedmont Forestry Center Page](#)

[SCFC Home Page/ WOOD MAGIC / Environmental Education / Environmental Workshops](#)

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COMMUNICATIONS SITE LICENSE

(South Carolina Forestry Commission Property in Oconee County)

THIS COMMUNICATIONS SITE LICENSE ("License") is entered into this _____ day of _____, 2008, by the South Carolina Budget and Control Board, Division of State Information Technology ("DSIT"), The South Carolina Forestry Commission ("Forestry") (DSIT and Forestry are hereinafter collectively referred to as "Licensor") and Oconee County Emergency Communications ("Oconee") (as "Licensee").

License. Subject to the following terms and conditions, Licensor hereby grants to Licensee a license to install, construct, maintain, and operate radio communications equipment, a communications tower and building to house communications equipment on Forestry's property located on property described in Exhibit "A" (the "Premises") at the coordinates of Longitude 84.58 36.6 N Latitude 83.02 12.6 W, and licenses to Licensee use of those areas of the Premises necessary for connecting Licensee's equipment to the tower from a building/cabinets located on the Premises (the "Site"), a description of the Site is more particularly described in Exhibit "B". Licensor shall continue to have the right to occupy and use the Premises, including the Site. Licensor also grants Licensee a license during the term of this License agreement for ingress and egress at those points on the Premises that Licensor approves in advance. Licensee may install equipment, one (1) tower, small support building, personal property, improvements or fixtures as listed on Exhibit "B" (the Equipment), or as Licensor may otherwise approve, such approval not to be unreasonably withheld, conditioned or denied. Any personal property of Licensee, whether or not fixed or attached to the Premises or the building, shall remain the property of Licensee prior to termination of this License without regard to whether it appears on Exhibit "B".

I. Use

- (a) Purpose. Licensee shall use the Site for the purpose of constructing, installing, maintaining, improving, and operating public safety transmitter equipment. At the Licensee's expense, the Licensee is approved to construct a 190' antenna, construct a support building, install transmitters, transmission lines, antennas and incidentals to operate the public safety radio system.
- (b) Permits. Licensee shall be solely responsible for securing any and all building permits and approvals, zoning changes or approvals, variances, use permits, and other governmental permits from applicable governmental authorities, including any Federal Aviation Administration approval (collectively, "Permits") prior to any construction on the Site. Licensor agrees to reasonably cooperate with Licensee in obtaining the Permits. Copies of the Permits shall be provided to Licensor, upon request. Licensee shall promptly pay all costs and expenses and shall not cause or permit any lien to be created against the Premises and shall indemnify and hold Licensor harmless from any and all claims or costs arising out of the use of the Premises by the Licensee.
- (c) Site Plan and Description of Equipment. Attached as exhibits to this License is a description of the tower, building, antenna, transmission line, and associated electronic equipment and their location on the property. The Site Plan shall be approved by the Licensor prior to the installation of any equipment and for improvements.
- (d) Installation of Equipment. The installation of all equipment and the use of any subcontractors or riggers must be approved in writing and in advance by the Licensor. If the Licensor determines that a private engineering firm is required to ensure the structural integrity and safety of the installation, then Licensee shall pay for a mutually agreed engineering consultant to certify that the installation of the tower installation will be done in a proper workmanlike manner. All costs of the installation, maintenance, and use of the Licensee's equipment will be the sole responsibility of the Licensee.
- (e) Specifications for Installation. The following specification regarding installation shall be strictly adhered to:
 - (1) The Licensee or its contractor shall provide proof of insurance including workers' compensation insurance and liability insurance in an amount approved by the Licensor. All personnel must wear protective equipment and comply with OSHA safety regulations.
 - (2) The tower and building design must be approved in advance by Licensor.
 - (3) Only non-rusticle hardware shall be used.
 - (4) After construction/installation has been completed, Licensor shall be notified. At Licensee's expense, the Licensor may request that an engineer of Licensor's choice inspect the construction/installation. Licensor's representative must be present during such inspection and it will take place only during normal business hours.

- (5) Licensee, at its own expense, shall maintain Licensee's property in accordance with reasonable engineering standards to assure that at all time Licensee's property and its operation is in conformance with the requirements of the Federal Communications Commission and all other public authorities with jurisdiction over Licensee.
- (6) The Licensee at its own expense shall maintain the grounds around the tower and building. A security fence shall be constructed around the tower for safety.
- (7) If required by the FCC or FAA due to the addition of the Licensee's equipment, the Licensee agrees to provide any required new or modified tower lighting, the specifications of which shall be mutually agreed upon by the parties per FAA requirements.

2. Term: The term of this License shall be for a period of five (5) years, commencing on December 1, 2008 and terminating at midnight on November 30, 2013.

3. Renewal Term(s): Licensee shall have the right to extend this License for (3) three additional terms of five (5) years ("Renewal Term") on the same terms and conditions as set forth in this License. This License shall automatically be renewed for the successive Renewal Term unless Licensee notifies Licensor of Licensee's intention not to renew the license at least 30 days prior to expiration of the first term.

4. License Fee

(a) Licensee shall provide Forestry, at no cost, the following:

- (1) Space on the tower for one (1) twenty (20) foot antenna;
- (2) Three feet by three feet floor space (with space to open a cabinet) inside the building;
- (3) One antenna hard line (coax) with proper grounding through the wall-bulkhead panel for entrance;
- (4) One 120VAC single phase 20 amp circuit (actual power to draw approximately 15 amps); and
- (5) Access to generator back-up power.

(b) If space on the tower is available, Licensee shall provide DSIT, at no cost, the items listed in paragraph 4, subparagraph (a).

(c) If Licensee, for a fee, leases or otherwise provides space on the tower to party other than the parties set forth in this agreement, Licensee shall remit to DSIT ten percent (10%) of any such fee to be used by DSIT in accordance with state law. In addition, Licensee shall also remit to Forestry ten percent (10%) of any such fee if state law permits Forestry to receive and retain such funds.

5. Conditions Precedent: Licensee's obligation to perform under this License shall be subject to and conditioned upon:

- (a) Licensee's approval of the condition of the Premises, which may be subject to, at Licensee's option, an environmental audit of the Premises performed by an environmental consulting firm of Licensee's choice at Licensee's cost;
- (b) Licensee securing appropriate approvals for Licensee's intended use of the Site from the Federal Communications Commission, the Federal Aviation Administration, the applicable State Historic Preservation Office, and any other federal, state or local regulatory agency having jurisdiction over Licensee's proposed use of the Equipment; and
- (c) Licensee's determination that the Premises are appropriate for Licensee's needs.

In the event of a failure of any of the above referenced conditions precedent within 90 days of execution of this License, Licensee may terminate this License through written notice to Licensor.

6. Conditions Subsequent: In the event that Licensee's intended use of the Equipment, the Site and the Premises is actually or constructively prohibited or the Site and the Premises are, in Licensee's opinion, unacceptable to Licensee, then this License shall terminate and be of no further force or effect, except as to Licensee's duties under paragraph 10 below.

7. Utilities and Access

(a) Licensee shall be responsible for all the install and maintenance of power utilities, grounding and wireline connectivity to their equipment.

(b) Licensor shall have free access to the Premises and Site at all times. Keys to any gates or buildings placed on the Premises by Licensee shall be assigned to the Piedmont Forestry Center Coordinator with a duplicate assigned to the Forestry Communications Coordinator. In the event DSIT locates on the Premises, DSIT shall also be assigned keys. These keys shall not be duplicated or reassigned by Forestry or DSIT without written consent of Licensee. Keys to existing gates controlling ingress or egress to the Premises shall be assigned by Forestry to Licensee and returned upon termination of this Licensee. Licensee shall not duplicate or reassign any such keys without the written consent of Forestry.

9. Termination. Except as otherwise provided, this License may be terminated, without any penalty or further liability, immediately upon written notice or as otherwise provided below, as follows:

(a) For cause:

- (1) By either party upon a default of any covenant or term of this License by the other party which default is not cured within 180 days of receipt of written notice of default (without, however, limiting any other rights available to the parties pursuant to any other provisions of this License); or
- (2) By Licensee if it is unable to obtain or maintain any license, permit or other Permits necessary to the construction and operation of the Equipment or Licensee's business or intended use of the Premises; or
- (3) Immediately by Licensor if Licensor determines, in Licensor's sole discretion, that any condition exists which endangers life or property. If this License is terminated pursuant to this provision, the parties agree to work cooperatively to find an interim solution, if such a solution is appropriate and available.

(b) For convenience:

- (1) By Licensee upon six months written notice to Licensor; or
- (2) By Licensor upon six months written notice to Licensee.

10. Removal of Equipment and Restoration of Site upon Termination. Licensee agrees to remove, at Licensee's expense, all Equipment from the Site within ninety (90) days after termination of this License Agreement or the same may be removed by Licensor and charged to Licensee.

11. Taxes. Licensee shall pay any applicable real or personal property taxes assessed on or any portion of such taxes attributable to Licensee's Equipment (including any towers or buildings).

12. Liability Insurance. During the term of this License, Licensee shall maintain, at its own expense, insurance covering claims for public liability, personal injury, death and property damage under a policy of general liability insurance, with limits of not less than \$500,000.00 per person and \$1,000,000.00 per occurrence, and property damage insurance of not less than \$500,000.00. Such insurance shall insure against liabilities arising out of or in connection with Licensee's use or occupancy of the Premises subject to the standard exceptions found in commercial general liability insurance policies. Licensor shall maintain its standard insurance policies, which cover all State owned properties and shall provide, upon request, details regarding such coverage.

14. Condemnation. If a condemning authority takes, or acquires by deed in lieu of condemnation, all of the Premises, or a portion sufficient to render the Premises or the Site unavailable for the use which Licensee was then making of the Site, the Premises or the Tower, Licensee may terminate this License effective as of the date the title vests in the condemning authority, subject to Licensee's duty to remove the Equipment.

15. Environmental Matters.

(a) Licensor represents that, to Licensor's best knowledge, no Hazardous Materials are presently located on the Premises. If after Licensee takes possession of the Premises Hazardous Materials are discovered to exist on, under or beneath the Premises, Licensee may terminate this License and Licensee shall owe no further duties, obligations or liability to Licensor.

(b) The Licensee shall be responsible for all required environmental impact statements requires by State or Federal Law prior to beginning construction.

- (c) Licensee shall comply with all laws, ordinances, rules, orders or regulations applicable to Hazardous Materials. Licensee shall not use the Premises for treatment, storage, transportation to or from, use or disposal of Hazardous Materials (other than petroleum products necessary for the operation of an emergency electrical generator to serve the Equipment). Licensee shall be responsible for any expense incident to the abatement or compliance with the requirements of any federal, state or local statutory or regulatory requirements caused, directly or indirectly, by the activities of the Licensee or Licensee's agents, employees or contractors. Licensee's responsibility in this regard survives termination of this License agreement.

As used in this License, "Hazardous Materials" shall mean any and all polychlorinated biphenyl's, petroleum products, asbestos, urea formaldehyde and other hazardous or toxic materials, wastes or substances, any pollutants, and/or contaminants, or any other similar substances or materials which are defined or identified as such in or regulated by any federal, state or local laws, rules or regulations (whether now existing or hereinafter enacted) pertaining to environmental regulations, contamination, cleanup or any judicial or administrative interpretation of such laws, rules or regulations or any substance that after release into the environment and upon exposure, ingestion, inhalation or assimilation, either directly from the environment or directly through food chains will or may reasonably be anticipated to cause death, disease, behavior abnormalities, cancer or genetic abnormalities.

16. Hold Harmless.

Licensee agrees to defend, indemnify and hold Licensor and other state agencies, their officers, agents and employees harmless from any and all costs, damages, expenses, losses, claims, actions, suits, causes of action, judgments, and charges of every kind and nature whatsoever, including reasonable attorney's fees, which may in any manner arise out of or relate to Licensee's use of the Equipment or Premises or the performance or non-performance of this License by Licensee, Licensee's subcontractors, employees, agents, or assigns, including without limitation, those that may arise out of the use or furnishing of materials; and as to such claims, actions or causes of action arising from or resulting from any negligence or intentional misconduct by Licensee, its subcontractors, agents, servants, employees, or any or all of them.

17. Notices. All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed given if personally delivered or mailed, by certified mail, return receipt requested, or by overnight service having a record of receipt to the addresses indicated below:

If to Licensor: South Carolina Budget and Control Board
Division of State Information Technology
4430 Broad River Road
Columbia, SC 29210
Attn: Tower Management/George Crouch
(w) 803-896-0367

South Carolina Forestry Commission (Primary Contact)
Paul Blessing
Piedmont Forestry Center, Coordinator
151 Piedmont Nursery Road
Tamassee, South Carolina 29686
(w) 864-944-1304
(e) 803-667-1057

South Carolina Forestry Commission (Primary Contact for Emergency Communication Problems
and Secondary Contact for issues arising under this License)
Lloyd Mitchell
113 Forestry Commission Drive
Florence, South Carolina 29501
(w) 843-662-5571
(e) 843-992-2368

If to Licensee: Geerco County Emergency Communications
415 S. Pine Street
Wahalla, SC 29691

Attn: John A. Murray
(w) 864-718-1010

18. Warranties and Quiet Enjoyment. Licensor has good and marketable title to the Premises free and clear of any liens, encumbrances or mortgages. Licensor warrants that Licensee shall have the quiet enjoyment of the Site during the term of the License. Licensor further warrants and represents to the best of Licensor's knowledge that (I) Licensee's intended use of the Site is not prohibited by covenant, restriction, easement, subdivision rule or other contract which would prohibit Licensee's intended use of the Site; and (II) there are no easements, liens or other encumbrances which will interfere with Licensee's intended use of the Site.
19. Assignment. Licensee may not assign, sublease, license, or otherwise transfer this License without prior approval of Licensor, except to an affiliate, subsidiary, or any successor entity, whether directly or indirectly, control is controlled by, or is under common control with the subject party or to a person or entity that may be controlled by the subject party. For the purposes of this Paragraph, the term "control" shall mean the ownership, directly or indirectly, of the power to veto major policy decisions of any such entity, whether through the ownership of voting securities, by contract or otherwise.
20. Successors and Assigns. This License shall be binding upon and inure to the benefit of the parties, their respective heirs, successors, personal representatives and assigns.
21. Compliance with Laws. All installations and operations in connection with this License by either party shall be conducted in accordance with all applicable rules and regulations of the Federal Communications Commission, Federal Aviation Administration, and any other applicable federal, state and local laws, codes and regulations. Licensee is solely responsible for the licensing, operation and maintenance of Licensee's Equipment, including, without limitation, compliance with any terms of its Federal Communications Commission license with respect to obstruction lighting and any notification to the Federal Aviation Administration in that regard. Licensee's Equipment, transmission lines, and any related devices, and the installation, maintenance and operation thereof, shall not damage any property or properties adjoining, or interfere with the use of the remainder of the Premises, by Licensor or others, and Licensee, shall defend, indemnify and hold harmless Licensor from any such damage.
22. Miscellaneous.
 - (a) This License constitutes the entire License and understanding of Licensor and Licensee, and supercedes all offers, negotiations and other licenses. Any amendments to this License must be in writing and executed by Licensor and Licensee.
 - (b) If either Licensor or Licensee is represented by a real estate broker or agent in this transaction, that party shall be fully responsible for any fees or commission due such broker or agent and shall hold the other party harmless from any such claims arising from execution of this License.
 - (c) This License shall be construed in accordance with the laws of the state in which the Premises are located, namely, the State of South Carolina.
 - (d) If any term of this License is found to be void or invalid, such invalidity shall not affect the remaining terms of this License, which shall continue in full force and effect.
 - (e) Each of the undersigned has the full right, power, and authority to execute this License on behalf of the party indicated.

<SIGNATURES ON FOLLOWING PAGE>

IN WITNESS WHEREOF, Licensor and Licensee have executed License as of the date/year first above written.

LICENSOR: S.C. FORESTRY COMMISSION

Witness(es):

By: _____

Title: _____

Date: _____

Witness (2)
Notary Public

LICENSOR: DIVISION OF STATE INFORMATION TECHNOLOGY

Witness(es):

By: _____

Title: _____

Date: _____

Witness (2)
Notary Public

LICENSEE: OCONEE COUNTY EMERGENCY COMMUNICATIONS

Witness(es):

By: _____

Title: _____

Date: _____

Witness (2)
Notary Public

LICENSEE: OCONEE COUNTY COUNCIL CHAIRMAN

Witness(es):

By: _____

Title: _____

Date: _____

Witness (2)
Notary Public

EXHIBIT "A"

**LEGAL DESCRIPTION OF
PROPERTY**

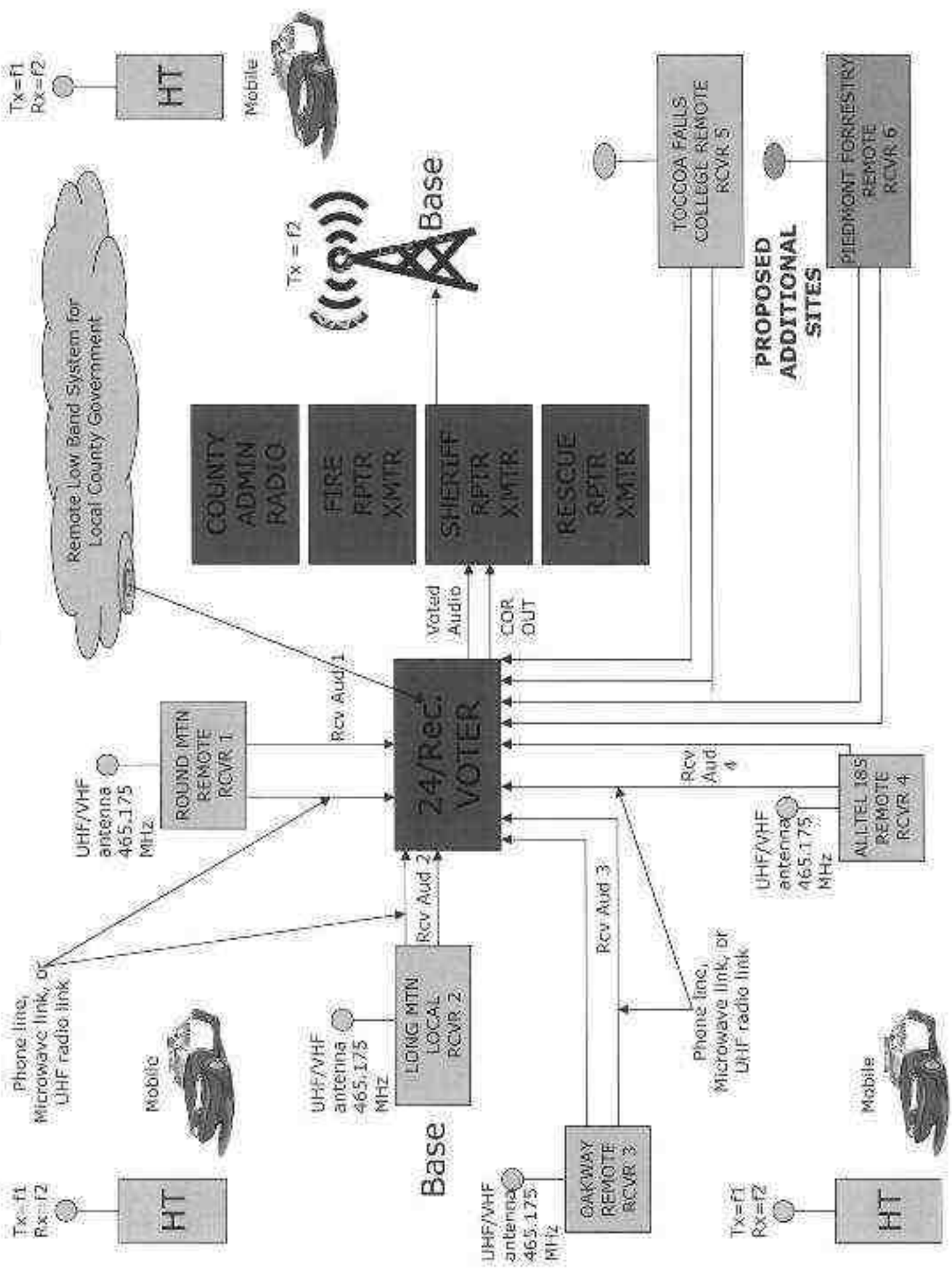
The property referred to herein as Premises is located within the parent parcel described as follows:

The South Carolina Forestry Commission Property off Cheochee Valley Road in Tamassee, SC. The tower being located at the coordinates N 34.55 36.6 W 83.02 12.6

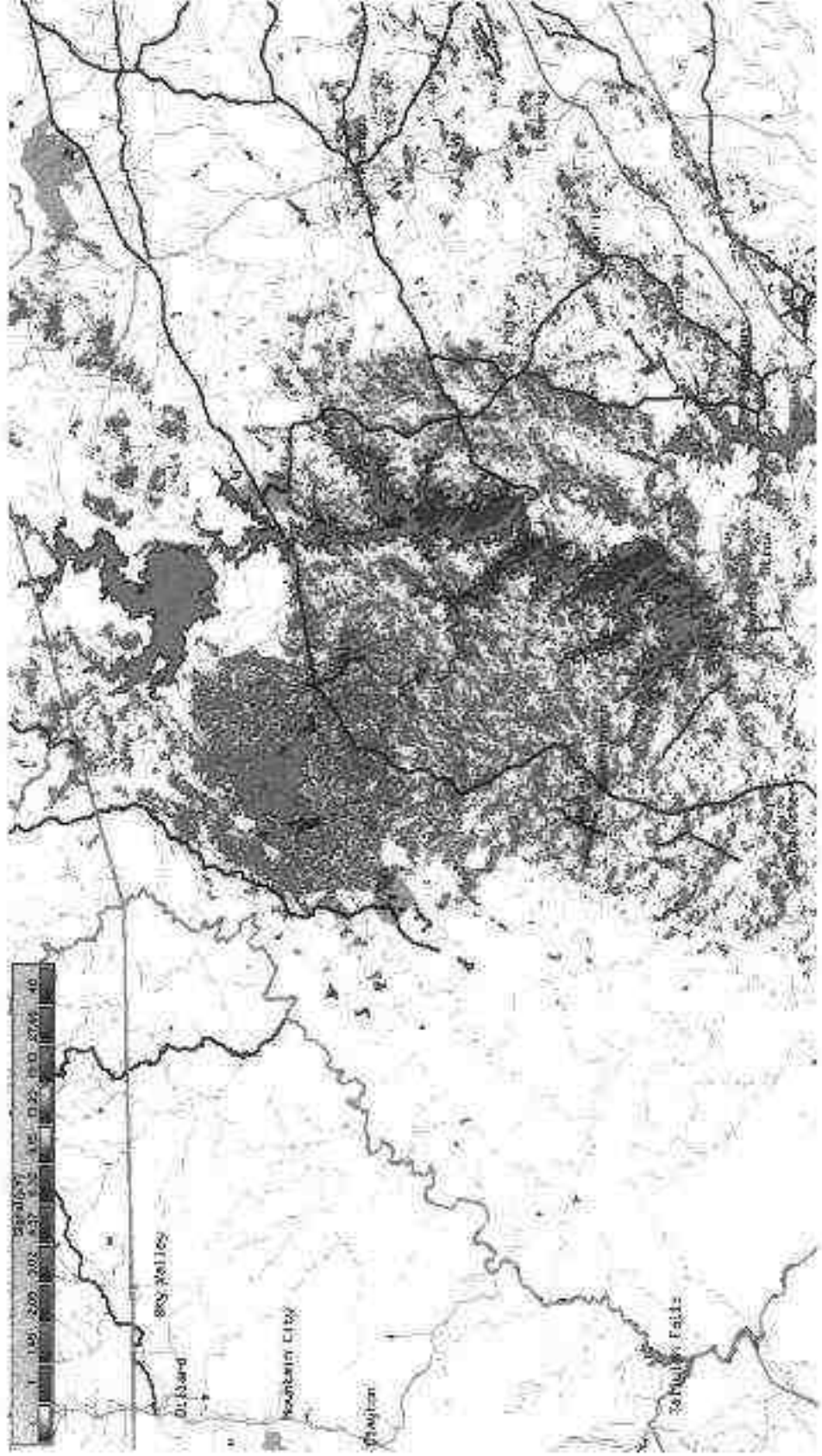
EXHIBIT "B"

**SITE PLAN
and
EQUIPMENT LIST**

Insert Licensee's Site Plan



PIEDMONT FORRESTRY PROPOSED RADIO RECEIVER COVERAGE SITE



Convention & Visitor Bureau [CVB]:

Mr. Surratt requested Mr. Phil Shirley, PRT Director, to address Council regarding the creation of a Convention & Visitor Bureau [CVB]. Mr. Shirley outlined a brief history noting that this project has been ongoing for about 1 ½ years. He stated that he worked with many individuals and that he consulted other counties to create an Oconee model.

Mr. Shirley's recommendations are as follow:

- [1] Create a Convention Visitor Bureau [CVB] under the umbrella of Oconee Alliance.
- [2] Fund for a three year period \$160,000 each year for the following:
 - Hire and Executive Director who would report directly to Jim Gadd and the Board of Directors. The Executive Director would be interviewed and selected by Oconee Alliance.
 - Provide an intern to work directly with the Executive Director
 - Estimated marketing budget between \$75,000-\$80,000

[3] The Oconee Alliance Tourism committee will remain in place to serve in an advisory capacity on tourism to the CVB and the Oconee Alliance Board of Directors. The committee includes a representative from each of the three Chamber of Commerce, plus a wide variety of tourism professionals that will behind on to assist the newly hired Executive Director get this organization established.

The Oconee Alliance will add three ex officio board seats to the Oconee Alliance Board of Directors for representatives of the three Chambers of Commerce, and three ex officio board seats to three tourism professionals that will be recommended by the tourism committee.

[4] Funding: ATAX funds are designed for this type of project. Funds have been building in the ATAX accounts for several years.

Mr. Blanchard questioned if there are tools in place to measure performance and provide periodic reports to council. Mr. Shirley stated that reports could be made as frequently as Council desires. In addition he noted that the approved advertisement in 2007 in the SC Smiles publication generated 360 replies within 3 weeks and that respondents were from around the US and Canada.

Mr. Lyles noted that he could not support spending tax dollars for this type of project. Mr. Crumpton concurred.

Mr. Shirley addressed the purchase of land for a recreation center noting that this type of facility should generate a lot of revenue by attracting tournaments to our facilities.

Mr. Ables made a motion, seconded by Mr. Suarez, approved 3 – 2 [Mr. Lyles & Mr. Crumpton voting against] to commit \$480,000 over a three year period for the creation of a Convention & Visitor Bureau as outlined above.

Corp of Engineers Lease:

Mr. Surratt along with Mr. Shirley addressed Council and gave a PowerPoint presentation [filed with these minutes] regarding the Corp of Engineers – Lake Hartwell Project, Lease # DACW21-1-07-5245. Mr. Surratt noted that this presentation is for information only and that no action is required at this meeting. The lease has been in existence since the 1980's at which time the Corp stated that they could no longer maintain the ramps and initiated a lease with the County. This lease period would be from July 2007 through July 2017. At present, Oconee County does not have a lease agreement in place.

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: December 2, 2008
COUNCIL MEETING TIME: 7:00 PM

ITEM TITLE OR DESCRIPTION:

BVB #08-04 Emergency Service Pumper Trucks (2)
1 - Commercial Fire Truck for Mountain Rest Volunteer Fire Department \$313,805.00
1 - Custom Fire Truck for Fair Play Volunteer Fire Department \$371,239.00
Total \$685,044.00

BACKGROUND OR HISTORY:

The Oconee County Volunteer Fire Departments' fire trucks have been on a fifteen (15) year replacement cycle. The Mt. Rest truck to be replaced is a 1984 year model Ford (24 years old). It was scheduled to be replaced in 2004. The Fair Play truck to be replaced is a 1986 year model Ford (22 years old). It was scheduled to be replaced in 2005. Funding for both trucks was funded in FY 07/08, these funds were rolled to FY 08/09.

BID SOLICITATION HISTORY:

On September 30, 2008, formal sealed bids were opened for this equipment. Seventeen (17) companies were originally notified of this bid opportunity. Four (4) companies submitted bids. The BVB selection committee, comprised of Rodney Burdett, Scott Krein, Eric Lutz, Truman Nichols, Bill Simmons and Larry Wilkerson, unanimously voted to recommend award to Spartan Fire & Emergency Apparatus of Roebuck, SC.

STAFF RECOMMENDATION:

Award Best Value Bid # 08-04 to Spartan Fire & Emergency Apparatus of Roebuck, SC for the amount of \$685,044.00, pending approval of funds transfer of \$33,200.00. (see attached)

FINANCIAL IMPACT:

IN FY 07-08, County Council approved \$650,000 (budget code 020-107-50870-00000), which was rolled forward to FY 08/09 (budget code 012-102-\$2013-00000) A transfer request has been submitted for County Council approval for \$33,200.00 to be transferred from budget code 010-107-50881-00000 (Capital Paying) to budget code 010-107-50870-00000 (Capital Expenditures, Vehicles) to cover the additional cost.

ATTACHMENTS

1. Bid Tabulation
2. Final add and deletes
3. Copy of Transfer

Submitted or Prepared By:


Department Head/Elected Official

Approved for Submittal to Council:


Dale Surret, County Administrator

Reviewed By/ Initials:

_____ County Attorney

 Finance

_____ Grants

C: Clerk to Council

Agenda Items Summary to be submitted to Administrator for review / approval no later than close of business on Wednesday prior to a Council meeting.

Low Bid Budget Ceiling amount for this item: \$550,000.00
 Budget Ceiling ID: 10052601500000

I hereby certify that to the best of my knowledge,
 this is a true and correct bid.
Robert Courtney
 President/Owner

Bidders Address	Carolina International Trucks Inc Greenville, SC	Fire Line E-1 Winder, GA	First Class Fire Apparatus Monroe, NC	Seagrave Fire Rock Hill, SC	Spartan Fire & Emergency Apparatus Roebuck, SC	Stevens Fire Equipment Morganton, NC
Submitted Bid	No Bid	Yes	Yes	No Bid	Yes	Yes
Addendum 1		Yes	Yes		Yes	Yes
Bid Bond		Yes	Yes		Yes	Yes
Truck 1 Station 4 Commercial Truck						
Chassis Manufacturer		International	Freightliner / ECPA		Kenworth	International
Body Manufacturer		E-One	Anrens / Fox		Pierce	Sulphur
Sub Total		\$318,597.00	\$348,937.00		\$221,912.00	\$347,862.69
Sales Tax		\$300.00	\$300.00 (not in bid)		\$300.00	\$300.00 (not in bid)
Bid Total		\$318,897.00	\$348,937.00		\$222,212.00	\$348,162.69
add and deletes					\$21,593.00	
Total					\$313,805.00	
Delivery		240 days	270 days		270 days	365 days
Truck 2 Station 8 Custom Truck						
Chassis Manufacturer		E-One	Freightliner / ECPA		Alternate Bid	Sulphur
Body Manufacturer		E-One	Anrens / Fox		Pierce	Sulphur
Sub Total		\$469,368.00	\$460,922.00		\$411,321.00	\$503,075.62
Sales Tax		\$300.00	\$300.00 (not in bid)		\$300.00	\$300.00 (not in bid)
Bid Total		\$469,668.00	\$460,922.00		\$411,321.00	\$503,375.62
add and deletes					\$40,038.00	
Total					\$371,239.00	
Delivery		240 days	270 days		240 days	365 days
Total For Truck 1 & 2		\$788,565.00	\$809,859.00		\$685,044.00	\$851,538.31
Ranking		2			1	

**BV8# 08-04 Two (2) Pumper Trucks for Deonee County Emergency Services
Final Adds and Deletes for Ordering**

Truck #1 Station 4 * Commercial Truck	
Original Bid Amount	\$292,212.00
Mount ladders on Side	(\$7,392.00)
Using Aluminum	(\$7,395.00)
Change fill valve to 2"	\$465.00
Delete remote control for deluge gun	(\$7,604.00)
Change to 5 kw generator	(\$1,883.00)
Add hose reel to rear compartment	\$4,122.00
Add 404 option	\$38,600.00
add front suction option	\$5,837.00
add 780 gallon water tank	\$1,345.00
Delete front route recorder camera system	(\$4,494.00)
New Price w/ adds and deletes	\$313,005.00

Truck #2 Station 9 (Alternate Bid) * Truck	
Original Bid Amount	\$411,327.00
Use 151 400 w/ Allison 3000 Series	\$0.00
Mount ladders on Step	(\$7,395.00)
Using Aluminum	(\$7,395.00)
Change fill valve to 2"	\$465.00
Delete remote control for deluge gun	(\$0,798.00)
Change to 8 kw generator	(\$8,764.00)
Delete light tower	(\$14,068.00)
Add hose reel to rear compartment	\$4,122.00
add front suction option	\$5,829.00
Delete front route recorder camera system	(\$3,494.00)
New Price w/ adds and deletes	\$371,239.00

Above indicates the options to be added and deleted. This represents the changes Deonee Emergency Services has requested for BV8 08-04. By signing below I approve and agree.

Department Head Signature



Date: 11-17-08

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: November 18, 2008
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE OR DESCRIPTION:

Request to transfer funds from Part Time Dispatcher Pool and Temporary Salary to Overtime in the amount of \$24,000.00 and additional funding request of \$20,000.00 to cover additional overtime and \$1,530.00 to cover additional social security benefits.

BACKGROUND OR HISTORY:

We have consistently over the years asked for additional dispatcher/telecommunicator in the 911 Center. We have received partial relief by approval to hire part time people. This still leaves a burden on the 911 Center. Because of vacation time, training time, and sick leave along with major increase in work load we still have to spend an exorbitant amount of overtime to handle the number of calls received. Based on our current utilization of overtime to meet the minimum requirements of staffing, we need approximately \$43,523.48 above the amount approved in the FY08-09 budget.

SPECIAL CONSIDERATIONS OR CONCERNS:

The funds we are requesting to be transferred is from the part time position that we did not fill when Crayton Haney passed away and funding in the part time positions not utilized with turnover. With the additional funds we can utilize from current budget, we still need a special appropriation of \$21,530.00.

STAFF RECOMMENDATION:

To enable the Oconee County 911 Center to meet the needs of the citizens of Oconee County, I see no other alternative than to fund additional overtime money.

FINANCIAL IMPACT:

The County Council will have to approve an additional amount of \$21,530.00 in addition to the requested transfers from other accounts for the department to have sufficient funds to cover overtime until the end of the Fiscal Year Budget June 2009.

ATTACHMENTS

Last spreadsheet of common expenditures from overtime budget and average amount spent.

Submitted or Prepared By:


Department Head/Elected Official

11-10-08

Approved for Submittal to Council:


Dale Surrency, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

C: Clerk to Council

Communications Overtime

FY 07 Budget \$ 5,000 spent \$31,709 (the variance was made up due to overages in various salary accounts)

FY 08 Budget \$25,000 amended during the year to \$49,072 spent \$46,252

FY 09 Budget \$41,000 ytd activity (11 pay periods) they have spent \$29,489

When researching the time sheets the justifications given for overtime use is for the following reasons:

- Cover employees that are out on sick leave
- Cover employees that are out on vacation/personal days
- Cover employees that are out due to training

The overtime did begin to increase with the 12 hour shifts but it appears that the main reasons are those stated above.

I did review the numbers presented by John and they are accurate as for the cost needed. I can't make a call as for the hours needed. The amount he is requested would increase the usage by 260% in a 3 year period - perhaps we need to have a staffing study performed to better understand that need.

Review by
payroll 


11-14-08

AGENDA ITEM SUMMARY

OCONEE COUNTY, SC

COUNCIL MEETING DATE:

12/2/2008

COUNCIL MEETING TIME:

7:00 pm

ITEM TITLE OR DESCRIPTION:

Data Conversion from old Smith Data to New World Systems. The goal of this project is to convert the data from QS1 into a popular Relational Database Management System, such as Oracle, Sybase and preferable MS SQL Server so that the data can be easily shared, exported out and integrated with other systems. Once data is recovered in this format, it then goes to New World to be put in our present operating system.

BACKGROUND OR HISTORY:

The Old Oconee County Law System is an over 20 year old legacy system running on the proprietary database called QS1. The problems of the current database of QS1 are the data accessibility, portability, compatibility, and reusability. It's non-relational and it's difficult to read, export, and reuse the data stored in QS1.

Originally, the Oconee County IT Director, Richard Reeves had agreed that he would assume the responsibility for recovering this data. After his departure it was determined from Smith Data that we would have to have a special utility program/software written to recover the data. Oconee County out of our project money paid \$10,000 to Smith Data for a utility program that was turned over to the IT Department. From January 2005 until October 2005, the IT Department recovered the data to the best of their ability but when the data file was presented to the New World Contractor in February 2006, they could not use the data file. New World gave us a preliminary estimate of approximate \$80,000.00 to put a person on-site with us and to recover the software. In addition, they estimated another \$25,000.00 to populate the data they would recover into their system.

We felt this was too expensive an option so we proceeded to locate and alternate solution by talking to Smith Data and to Spartan Technologies. Smith Data said they were too busy to take this project on. Spartan Technologies gave us an estimate and proposal as long as they were not required to start the project until June 2006. Spartan Technologies are giving us a new proposal as a result of our meeting on November 7, 2008. There is no change in price just a revision of project schedule and time table.

SPECIAL CONSIDERATIONS OR CONCERNS:

The source data in QSI has to be extracted into more readable files (i.e. text, binary, or Criminal System Victim file and old dispatch files) one way or the other. The macro, programs and tools must be written and built to extract QSI data, read the extracted data, import and transform it into a format analogous to State Database, and then load it into target EAW or SQL Server.

STAFF RECOMMENDATION:

Accept and proceed with task one from Spartan Technologies of the QSI Data Extract, for the amount of \$14,400.00. Time estimated to do this is four weeks. Task one will determine which files can be converted and how much data can be converted. After task one is completed, we will review the data within the Sheriff's Department if it is usable and if we want to limit the amount of data recovery, which will then reduce the overall costs. The preference at this time is if all data can be recovered, where it is usable we would like to utilize and recover all the data in the QSI system.

FINANCIAL IMPACT:

The first task is to see if the data in QSI can be converted. Costs for this is \$14,400.00. If all data is converted the maximum costs to Oconee County from Spartan Technology Solutions, Inc. is \$57,600.00 as outlined in attachment.

In addition, it will still cost us approximate \$8,500.00 to populate the data through the software system of New World which will be performed by the New World personnel and we would need to spend another \$5,000.00 on hardware to upgrade the storage capacity of our drives and Stratus computers, which has been completed.

WHAT IS THE IMPACT IF THIS IS NOT ACCOMPLISHED?

1. We will not have all the history of law enforcement and dispatch records we need in the system for strategic planning purposes, operational response to calls and criminal investigations.
2. We cannot remove the magistrates and connect them to our New World System until we shut down the OSI System. By continuing to run both systems we are forcing our records management people to do double data entry and the magistrates do not have available to them the latest information they may need to make decisions. At some point in time, it is imperative that this data be removed, recovered, and populated into the new system and the Smith OSI System closed completely. Smith Data does not want to cooperate. This means they do not want to loose the business.

ATTACHMENTS:

Data Conversion Proposal for OSI Law System, prepared by Spartan Technology Solutions, Inc. on November 19, 2008.
Requisition
Memo

Submitted or Prepared by:


(Department Head)

Approved By:


Ran H. Rahm Dale Swanson
Oconee County Administrator

Reviewed By/ Initials:

County Attorney

Finance

Other

OCONEE COUNTY REQUISITION

Sections 1-3 (if applicable), 5-7 (if applicable), are to be filled out and sent to the Procurement Office. Requests for information will be returned to the initiating department.

SECTION 1: GENERAL INFORMATION & DEPT HEAD SIGNATURE

(To be filled out & signed by initiating dept)

DATE: 11/20/06 INITIATING DEPT: Communications
 BUDGET CODE: 010 - 304 - 60640 - 00000

AMOUNT APPROVED IN BUDGET CODE(S) ABOVE FOR THIS PURCHASE: \$ 74,000.00
 (Note: This must be in the section if using a budget code other than operational, small capital, rental or equipment, but does not include grants.)

If your department has purchased this item(s) previously, fill in the previous PO # _____

DELIVERY INSTRUCTIONS: _____
 Breakdown of amounts on page 5 of proposal

BY SIGNING BELOW, I CERTIFY THE FOLLOWING:

The items listed below are needed by this department for the sole use & benefit of Oconee County and have been approved in my budget.

[Signature]
 DEPARTMENT HEAD SIGNATURE (For approved designs)

SECTION 2: OTHER REQUIRED SIGNATURES

IT Dept, Engineer, Communications, Finance Office
 as to technical content Funds Contribution by the Finance Office

SECTION 3: GRANTS USE ONLY

NAME OF GRANT: _____

DEADLINE TO SPEND FUNDS: _____
 (Note: You must fill in this section if using grant funds or any other funds that have a deadline for issuing a PO.)

Are there any special bidding requirements? yes no Grant Administrator

	BIDDER #1	BIDDER #2	BIDDER #3
Company Name	Search Technologies		
Person Quoting	Eddie Plutz		
Phone Number	877 727 3269		
Fax Number	988-557-1907		
Delivery Time	Quote ending in 80 days from November 10, 2006		
Name			

QTY	Unit of Measure	Description	Unit Price	TOTAL	Unit Price	TOTAL	Unit Price	TOTAL
		Extract all records data from Smith Data Dispatch and Records Management System so that the data can be populated into the New World Cad and Records Management System by New World		57,600.00		0.00		0.00
		Subtotal		57,600.00		0.00		0.00
		Freight (if applicable)		0.00		0.00		0.00
		Sales Tax (8%)		3,456.00		0.00		0.00
		GRAND TOTAL		\$61,056.00		\$0.00		\$0.00

PROCUREMENT OFFICE USE ONLY:

Issued To: _____ Copy of PO to: _____
 PO # _____
 Ordering Instructions: FAX MAIL DEPT E-MAIL

Memo

To: Tronda Spearman
From: John A. Murray
CC:
Date: 11/20/2008
Re: Sole Source Requisition for Spartan Technologies

In January 2005 prior to the operational cutover of the new 911 center, we started a project to recover all the data from the old QS1 Data System so that it could be integrated into the New World System when it went live in July 2005. New World Systems gave Oconee an estimate of approximately \$75,000.00 plus an additional \$25,000 to populate the data into their system.

The Oconee County IT Department and myself at this time felt this was too expensive of an option so we tried to purchase an additional option. We received proposals from TRW Systems and Information Group and Interactive Intelligence from Hilton Head, South Carolina. After further investigation of what we wanted, these companies withdrew their offers and said they felt that they could not adequately recover the data from the QS1 - Smith Data flat file data base.

Oconee IT Department Director, Richard Reeves agreed that he would assume the responsibility for recovering the data and had one of his personnel work with Smith Data to develop a special utility software program that cost the project \$10,000.00. They worked on this project from March 2005 until October 2005, three months after we went live on New World Systems. When the data that was recovered was presented to New World, it could not be utilized. Essentially, we paid \$10,000.00 and after six months effort received no results.

Based on recommendations from the State CIO Office and the State Court System, we contacted Spartan Technologies in Spartanburg. They had been doing these type data recoveries for the court system for at least five years. Thus they had lots of experience and we had several meetings where they looked at the data. They gave Oconee a costs estimate and time table in April 2006. The money to do this project was not approved in the budget until this fiscal year. Spartan Technologies was contacted again. They resubmitted the proposal with no price increases. Copy attached.

Based on the history of other vendors and research and Spartan Technologies known business and technical skills for doing data conversions, the logical course of action would be to award the proposal to Spartan Technologies so that we can have an effective result. This will allow us to finally shut down the old system and integrate it into the new communications and record system.



SPARTAN Technology Solutions, Inc.

Data Conversion Proposal for QS/1 Law System

Prepared for Oconee County, SC

Spartan Technology Solutions, Inc.
125 Venture Blvd
Spartanburg, SC 29305

Local Telephone 864.587.1366
Fax 864.587.1367
Toll Free Sales 877.727.8288
Toll-Free Support 877.727.8264

www.spartantechnology.com

Created:	11/19/2008 12:58 PM - Based on original document created April 18, 2008
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Last Revised:	11/19/2008 4:32 PM
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Data Conversion for QS/1 Law System

A Proposal for Oconee County

Overview

The Oconee County Law System is an over 20-year-old legacy system running on the proprietary database called QS/1. The problems of the current database of QS/1 are the data accessibility, portability, compatibility, and reusability. It is non-relational and difficult to read, export, and reuse the data. The goal of this project is to convert the data from QS/1 into a standard Relational Database Management System (RDBMS), such as Oracle, Sybase and preferably, MS SQL Server so that the data can be easily shared, exported out and integrated with other systems. Our target database and DBMS will be LAW in MS SQL Server for this data conversion project unless otherwise noted.

After the preliminary study and evaluation of the QS/1 Law System, the steps involved in the data conversion can be summarized as ETL process (Extract, Transform, and Load). The source data in QS/1 has to be extracted into the more readable files (i.e. text, binary, or CSV file). The macros, programs, and tools must be written and built to extract the QS/1 source data, read the extracted data, import and transform it into a format analogous to a stage database, and then load it into target LAW in SQL Server. This document provides a high-level overview of the process flow, each step involved, and the time estimated for the conversion, and the expected results.

Spartan will begin development once this proposal is approved. The users will have an opportunity to participate in as many test conversions as needed in order to verify that it is working properly during the period of development. The feedbacks will be received to improve the quality of data conversion.

High Level ETL Process Flow

Please refer to the flow chart that follows this section for details. The QS/1 source database, which consists of a group of QS/1 files, is depicted at the top of the diagram. The data stored in QS/1 files will be extracted into a various TXT or CSV files such as Victims, Bookings, and Criminals files and so on via several possible ways.

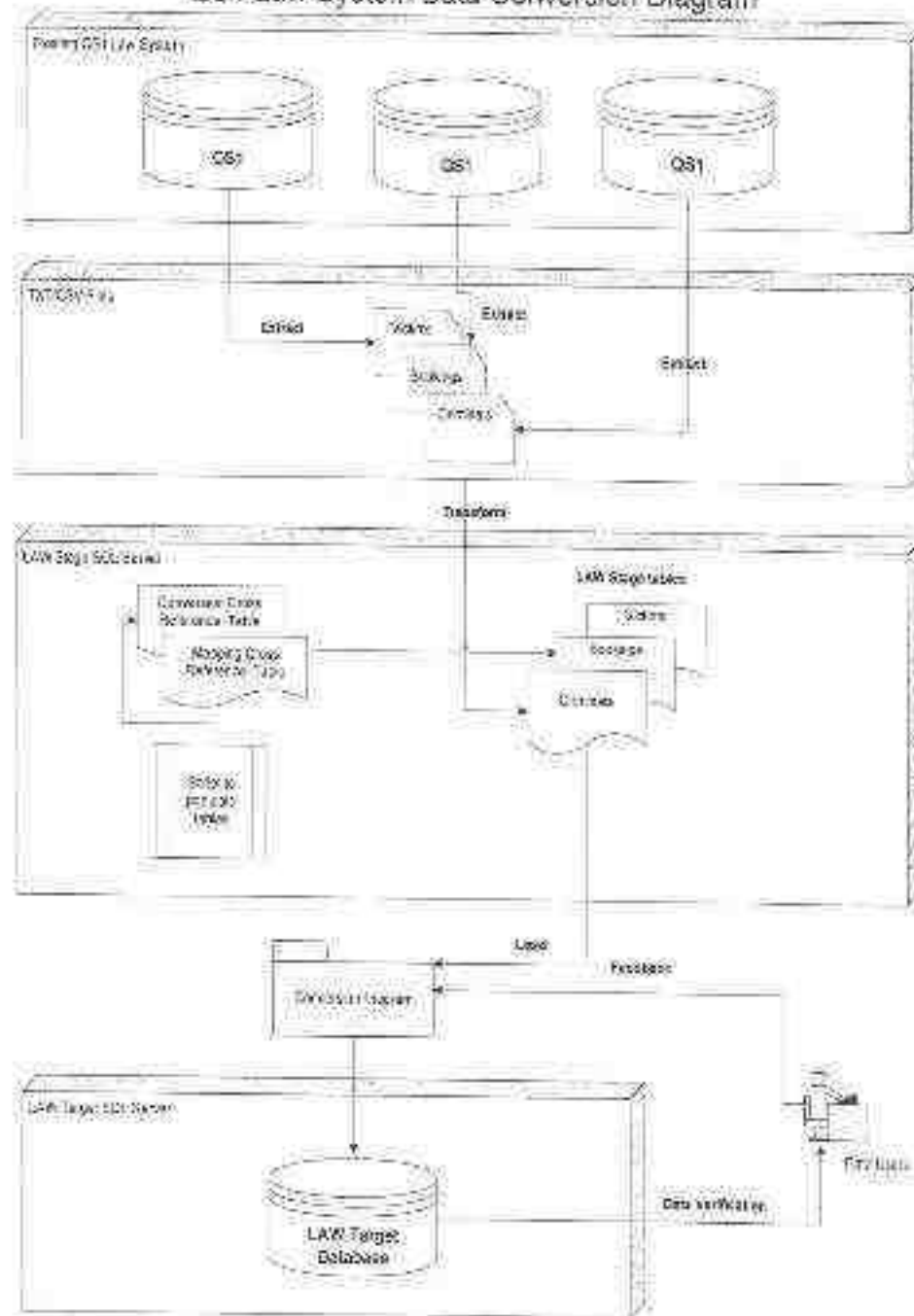
A temporary database in MS SQL Server, which we are calling the LAW stage database, will be created that will house data from extracted files. The programs or tools will be built, if needed, to import TXT or CSV files and transform into corresponding stage tables such as Victims, Bookings, and Criminals, etc. The script will be written within the stage database to populate cross reference tables and map tables to help data conversion in stage

and target databases. The context of this database is depicted in the third square box from top.

The conversion program and rule engine will be built to load data from the stage database into target LAW database in SQL Server. The subset of data conversion result will be sent to the data users or consumers for verification once the conversion development is complete. The necessary changes will be made to fix the problems or improve the conversion process according to the feedbacks from users. Data will be reloaded into the stage database if necessary to reflect the changes made in the source systems.

The following process flow diagram is a high-level depiction of how data conversion is envisioned to work:

QS1 Law System Data Conversion Diagram



QS1 Data Extract

One of most tedious and time-consuming steps of this project involves extracting the data from QS/1 into TXT or CSV files. Due to the lack of familiarity of QS/1 source data, there might be some technical difficulties and hurdles encountered. However, there are ways to export data out of QS/1 into TXT files. Within QS/1 system, macros can be created to automate report generation to print into text files. We should be able to find other ways to



get QS/I data out when we start working on this project. We will work with QS/I vendor if necessary to use the best way to extract a complete set of data. We will also use report data in QS/I to verify or cross check the results of data extract. A large amount of time will be expected to extract the source data since the large volume of source data files (about 5 Gigabyte in the QS/I data files).

Database Design, Transform, and Load

Database design is an important aspect of this project. Steps must be taken to ensure that no data element from source system will be left out in the conversion process.

All data and relationships from source system will be thoroughly studied and analyzed when we start relational data model design. A lot more time will be taken to run the source system and obtain an understanding of the structure. Tables, relationships between tables, columns, and data types will all be well defined to align with existing data requirements and business needs. Constraints and rules will be defined in database based on our understanding of the business and the existing data. Stage database in SQL Server will mirror the data structure in extracted files so that files can be more easily transformed and imported into Staging area in SQL Server.

A transformation process will be needed to transform unstructured data from extracted files into semi-structured data in SQL Server Stage database. The data parser programs or other utilities will be written and used to parse the data out of extracted files and insert into Stage database. The complexity and difficulty of the parsing program will be depending on how unstructured the data from extracted files will be. Different files may require different data parsing program.

Once all source data is transformed and imported into SQL Server Stage database, conversion program and scripts will be created to load the data from Stage database into the target database within SQL Server environment. More rules and constraint will be enforced in loading process to ensure data integrity and consistency in target database.

Deliverables

Everything related to this data conversion project will be packaged together and delivered to our client for live data conversion running on site when the development, data testing, and verification are completed as well as a sign-off received. In the release package, we will be providing the following items:

- Data model for target LAW database
- Scripts to create both the Stage database and target database in SQL Server
- Data dictionary documentation for target database
- Documentation that provides step by step instructions to run this data conversion
- All macros, programs, tools, scripts that will be used in this project

**IMPORTANT NOTES**

To ensure the success of this project, the following items are required:

1. An exact determination of the modules to be converted – to be decided by the Customer
2. Identification of the specific data elements to be extracted
3. Full access to the QS/I System by Spartan, with files possibly saved to an FTP site for easy access
4. An understanding by the Customer that the success of the conversion will be limited to the quality of the data that is provided

Time Estimate and Pricing Details

The project can be broken down into various phases and tasks. The details for each main task, time estimate, and fees are listed in the following table:

Note: The current rate for conversions is \$140.00 an hour. However, Spartan Technology Solutions, Inc. intends to honor the original rate included in the proposal entitled, *Data Conversion Proposal for QS/I Law System*, dated April 10, 2006.

Page 5 of this document stated: "The fees are based on \$90/hour rate. They will be slightly less if some of the following modules are not going to be converted – Incident, Criminal History, Warrant, Legal Papers, Booking, Jail Prison, Officer Training, Pawn Tickets and Dispatch." The cost of the Spartan Conversion of the QS/I Law System will be the \$90/hour rate, as stated in the original document.

Rates

The tasks, rates, and totals are as follows:

Task	Estimated Hours	Cost per Hour	Total
QS/I Data Extract	160	\$90.00	\$14,400.00
Database Design and Modeling	120	\$90.00	\$10,800.00
Create Stage and Target Database in SQL Server	80	\$90.00	\$7,200.00
transform and convert data from extracted files to Stage and Target in SQL Server	200	\$90.00	\$18,000.00
Documentation, Packaging, etc.	80	\$90.00	\$7,200.00
Grand Total			\$57,600.00



Prices quoted in this proposal will remain binding for 60 days from the date that the Customer receives this document.

The Company shall deliver the tasks as described herein, and the customer will meet the financial requirement(s) specified in the previous section.

THIS STATEMENT OF WORK AGREEMENT (the "Agreement") is made this ____ day of _____, 2008 (the "Effective Date") by and between the Company, **Spartan Technology Solutions, Inc.**, a South Carolina corporation and the Customer, the Oconee County.

In Witness Whereof, the parties hereto, having read this proposal in its entirety, do agree thereto in each and every particular.

Approved

Approved

Customer: Oconee County

Company: Spartan Technology Solutions, Inc.

Signature

Signature

Print of Type Name

Print of Type Name

Title

Date

Title

Date

Norton & Ballenger, P.A.
ATTORNEYS AT LAW

POST OFFICE BOX 489
30 SHORT STREET
WALHALLA, SC 29687

TELEPHONE (864) 638-2300
FACSIMILE (864) 638-2923

BRADLEY A. NORTON

KAREN F. BALLENGER

MEMORANDUM

Date: December 1, 2008
To: Geesee County Council Members
Dale Sirett
Geesee County Administrator
From: Bradley A. Norton
County Attorney
Issue: AT&T Contract

This is a contract in which AT&T is agreeing to pay to the County \$105,000 instead of the \$25,000 already accepted for the construction of a new spec building. This agreement does not require the County to build a spec building. However, the money can only be used for a spec building because this money they would otherwise pay to the State of South Carolina in taxes. If we do not use the money for a new spec building, we would have to repay the money to AT&T.

I would suggest accepting this free money and place it in an interest bearing escrow account. If the County decides to build a spec building, the money could be used for that purpose. If the County decides not to build a spec building, it is already in a separate account and can be repaid to AT&T. Further, if the County decided not to build a spec building, it would

might be possible for the money to be used for another purpose if the project complied with the applicable state laws and AT&T agreed. However, that is a question that would have to be answered in the future if that situation arose.

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: December 2, 2008
COUNCIL MEETING TIME: 7:00 PM

ITEM TITLE OR DESCRIPTION:

Utility Tax Credit Funding From AT&T

BACKGROUND OR HISTORY:

At the November 6, 2008 County Council approved the receipt of \$25,000 from AT&T to be used toward the building of a Spec Building in the Oconee County Commerce Center. AT&T has now indicated they will support the construction of a Spec Building with \$105,000 from their Utility Tax Credit funds.

SPECIAL CONSIDERATIONS OR CONCERNS:

Blue Ridge Electric Co-op has also presented \$200,000 of their Utility Tax Credit funds for the construction of a Spec Building. Should it be decided that a Spec Building will not be built the funds must be returned to the provider.

STAFF RECOMMENDATION:

Have the Administrator sign the AT&T contract on behalf of Oconee County.

FINANCIAL IMPACT:

\$105,000 "free" money for the construction of the Spec Building.


ATTACHMENTS

Proposed AT&T contract.

Submitted or Prepared By:

James W. Alexander
Department Head/Elected Official

Approved for Submittal to Council:


Dale Surratt, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

C: Clerk to Council

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

CONTRACT

WHEREAS, the COUNTY OF OCONEE and through its County Council, hereinafter referred to as "OCONEE COUNTY", and BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a AT&T SOUTH CAROLINA by and through its undersigned representative, hereinafter referred to as "AT&T South Carolina", wish to enter into this agreement.

NOW, THEREFORE, for the sum of One Hundred and Five Thousand and No./100 (\$105,000.00) Dollars, the receipt and sufficiency of which is hereby acknowledged, and for the other rights, duties and obligations as set out below, the parties mutually agree as follows:

1. That AT&T South Carolina is a corporation organized and existing under the laws of the State of Georgia, doing business in OCONEE COUNTY, and as such, is eligible to take advantage of the provisions of S. C. Code Ann. Section 12-20-105, hereinafter the "Act", for license tax credits for contributions to qualifying infrastructure projects in South Carolina.

2. That OCONEE COUNTY is a body politic organized as a County under the laws of the State of South Carolina.

3. That AT&T South Carolina serves customers in OCONEE COUNTY and OCONEE COUNTY is building a speculative building in the Oconee County Commerce Center, a county owned industrial park on Highway 11 in Oconee County, SC. This

\$105,000.00 Utility Tax Credit (UTC) will be used to offset some of the expenses associated with the construction of this speculative building.

4. That OCONEE COUNTY agrees to use these funds only for legitimate purposes set out and approved by the Act.

5. That OCONEE COUNTY agrees to abide by any and all stipulations, conditions, and requirements of the Act, including but not limited to any and all filings made necessary by the Act upon receipt of these funds.

6. That if, and in the event that OCONEE COUNTY fails, or otherwise refuses to use the funds or refuses to use the funds in accordance and in compliance with the Act contributed by AT&T South Carolina, OCONEE COUNTY hereby agrees to take any and all such steps as are necessary to repay those funds immediately to AT&T South Carolina or in the alternative to pay them on behalf of AT&T South Carolina to the South Carolina Department of Revenue.

7. That in the event the funds are not appropriately used under the Act and AT&T South Carolina is held responsible for the payment of any or all of these funds to the State of South Carolina, OCONEE COUNTY agrees not only to promptly repay such funds to AT&T South Carolina, but also agrees to pay any penalty, interest, or fines that result from the lack of or inappropriate use of said funds.

8. That the parties agree that they will both sign a form required by the South Carolina Department of Revenue waiving the statute of limitations on the State of South Carolina through the South Carolina Department of Revenue for attempting to collect the above referenced funds, if and in the event they are not appropriately used under the Act, and both parties agree to take all steps that would be necessary to cooperate with the

South Carolina Department of Revenue to see that the transfer and use of these funds are appropriately handled and accounted for.

9. This Agreement shall be construed and governed by the laws of the State of South Carolina.

WITNESS our hands and seals this 24th day of NOVEMBER

2008 at Columbia, South Carolina.

WITNESSETH:

OCONEE COUNTY, SOUTH CAROLINA
a body politic and corporate
and a political subdivision
of the State of South Carolina

BY:
ITS: COUNTY ADMINISTRATOR

ATTEST:

COUNTY CLERK.

BELLSOUTH TELECOMMUNICATIONS,
INC. d/b/e AT&T SOUTH CAROLINA

Elizabeth Cheslake
[Signature]

BY: W. T. Botman

ITS: REGIONAL DIRECTOR