

MINUTES
LAURENS COUNTY PLANNING COMMISSION
TUESDAY, AUGUST 18, 2015 – 5:30 P.M.
CHURCH STREET OFFICE COMPLEX

ATTENDANCE: **MEMBERS PRESENT** - Commission Vice Chairman Bob Brewington; Commission Members, Posey Copeland, Beth Holmes (arrival 5:40 P.M.), Michael Smith and Kay Weeks.

MEMBERS ABSENT: Commission Member David McDannald; Commission Member Randy Bishop (resigned).

COUNTY STAFF: Ernest Segars, County Administrator; Chuck Bobo, Laurens County Building Codes Official, Betty Walsh, Laurens County Clerk to Council, Sandy Cruickshanks, Laurens County Attorney and Public Works Director, Rob Russian.

COUNTY COUNCIL MEMBERS PRESENT: Council Chairman Joe Wood.

PRESS – No Press

SCHEDULED AGENDA ITEMS – 1.) Call to Order; 2.) Invocation and Pledge of Allegiance; 3.) Approval of Agenda August 18, 2015; 4.) New Business: A.) Overview of duties of the Planning Commission per approved Ordinances; 5.) Old Business; A.) Continued discussion of merging / amending existing ordinances; 6.) Commission Member Comments; 7.) Adjournment.

CALL TO ORDER – Vice Chairman Brewington called the meeting of the Planning Commission to order at 5:30 P.M. in the Conference Room of the Church Street Office Complex on August 18, 2015.

Vice Chairman welcomed all to stand while Commissioner Smith provided the invocation and was followed by the Pledge of Allegiance by everyone.

APPROVAL OF AGENDA – The August 18, 2015 agenda was approved (6-0) upon a MOTION from COMMISSIONER SMITH and SECONDED by COMMISSIONER WEEKS.

APPROVAL OF MINUTES – Addressing the minutes, Mrs. Walsh noted the called recorded vote versus the actual vote taken at the last meeting involving the requested approval for developing Sour Mash Mobile Home Park as being in error. Mrs. Walsh said, “In actuality the minutes reflected as the vote was called, not as it should have implied”.

The following are the requested changes to the minutes:

FROM: – “VOTE 2-2-0. Vice Chairman Brewington stated that it appears the vote is tied and that he would declare the mobile home park as to being able to continue.”

TO: - “Vice Chairman Brewington stated that it appears the vote is tied and that he would declare the mobile home park as to being able to continue”; VOTE 3-2 (Commissioners Copeland and Holmes in opposition).

The July 21, 2015 minutes, with noted changes, were approved (6-0) upon a MOTION from COMMISSIONER SMITH and SECONDED by COMMISSIONER COPELAND.

NEW BUSINESS:

- A.) **OVERVIEW – DUTIES OF PLANNING COMMISSION PER APPROVED ORDINANCES** – Vice Chairman Brewington opened this discussion by saying, “This is very interesting as there are a lot of different duties referred to in a variety of ordinances. Some ordinances say authority is for County Council and some say the Planning Commission. I know where I personally would go with this but, I’m opening up for comments from others. This goes back to the enabling act of 1994. If you go back and read the Act, it is the most different of anything you will read”.

Vice Chairman Brewington read from Laurens County Ordinance #252.....”Whereas, Act No.487 of the State of South Carolina provides for counties to establish and implement local planning commissions, and; Whereas, the provisions of Act No 487 are declared to be necessary for promotion, protection and improvement of the public health, safety, comfort, good order, appearance, convenience, prosperity, morals and general welfare. Now, Therefore be is resolved that the Laurens County Council, under the authority of Act No. 487 of the State of South Carolina, hereby establishes the Laurens County Planning Commission which shall supersede all previously established county or joint city-county Planning Commissions. Be it resolved that is shall be the function of the local Planning Commission upon the authorization of Laurens County Council to prepare the comprehensive plan and program the physical, social and economic growth of all unincorporated areas in order to promote the public health, safety, morals, convenience, prosperity or the general welfare as well as efficiently and economy in the development of its jurisdiction. The Comprehensive Plan and program shall include recommended means of implementation and shall be based upon careful and comprehensive surveys and studies of existing conditions and probable future development. In the discharge of its responsibilities, the Local Planning Commission shall have the power to: 1.) Prepare and revise periodically a Comprehensive Plan and program recommendation to County Council as provided in Act 487; 2.) Prepare and recommend for adoption to Laurens County Council as a means for implementing the plan and program. The Planning Commission shall be liable for any injury or damage to property resulting therefrom. In general, the Planning Commission shall have such powers as may necessary to enable it to perform its functions and promote the planning of its political jurisdiction. Be it further resolved that the Planning Commission shall consist of seven members appointed by Laurens County Council. Terms of office shall be four years. Members of the first Commission shall serve staggered terms as determined by lot of three serving two years and two four years...”.

Vice Chairman Brewington went on to say that in this it went on to say that an appointee cannot live within the incorporated areas if serving on the Planning Commission.

Vice Chairman Brewington asked Codes Official Chick Bobo to comment on his research.

Mr. Bobo said, “One point of confusion I think was that everyone thought that when the Planning Commission makes a decision as the Board of Appeals. These are two (2) separate functions and regulated differently. Normally the Board of Appeals makes the decision and if the owner does not agree, they go to State arbitration in the Courts of Law. The question is when is this submitted to Council? “

The following was concluded from Codes Office Bobo’s research:

- Section 8-75 - That section under the codified Building Codes seems to actually refer to the variances to Council (Appeals board); Flood issues (8-318) & sediment and erosion (8-84) go to council
- Section 8-478 codified Mobile homes refers appeals to the Planning Commission’
- Nuisances does not list appeals in codified
- Technical codes do not list an appeal
- Section 28-29 codified Recreation Properties refers variances to the Planning Commission
(Section 28-29 (c) 3 says Planning Commission has the final word other than to go to Court. It is also says a taxpayer may appeal a decision to the County).
- Subdivisions goes to Planning Commission (8-711)
- Cell Towers – Construction Board of Appeals following being denied by Codes and Planning Commission

Vice Chairman Brewington stated, “The confusion is coming from one ordinance to another. They each referenced a different Board / Commission to address variances and other issues with. In reading the Enabling Act of 1994, I remember reading and forming a different picture that the Planning Commission took on many of the responsibilities of County Council as it relates to enforcement”.

Codes Officer Bobo stated, “Under Title 6 Chapter 29-340, the function, powers and duties of the Planning Commission is paraphrased in our ordinance as a think tank for Council, acting under the direction of Council as to certain issues; then report back to Council. Secondly, the Act refers to Zoning and Appeals. I know we do not have zoning only appeals, but towards appeals and variances, the Appeals Board has the authority to make decisions. If the grieving party does not agree with those decisions then it moves on up into the courts”.

Commissioner Copeland asked to speak and said, “The people of Laurens County voted to not have zoning and planning in Laurens County back in nineties. Then the Laurens County Council appointed the Planning Commission in accordance with State Law that says every County has to have a Planning Commission. And, that the County Planning Commission could not make any decisions that superseded Laurens County Council; that everything that the Planning Commission did had to go before the County Council to approve or disapprove it, except when it acts as Board of Appeals”.

Codes Officer Bobo stated that he disagreed with that. Administrator Segars stated, “Part of that is true but, what Mr. Bobo is looking at is the 1994 Act. I understand that there are approximately three (3) areas that do not go to County Council but directly to the courts in arbitration. The other involves architectural review which this Planning Commission serves as. Thirdly, involves plats. I would assume according to the Act, that if anyone ever protested, I would assume that would be an appeal to the Planning Commission. I think what Mr. Copeland is talking about might be cellular towers where that actually came before County Council. In my mind, if it is a local ordinance not covered by this Act, then it does come before the Planning Commission. Some of the confusion arrives when the Commission made a determination and then the question came about if this was supposed to go to County Council. This is what needs to be cleaned up because the danger of it all is if not clarified someone could sue”.

Commissioner Weeks stated, “So am I understanding this correctly that this is part of the job of the Planning Commission to go over these ordinances and define them better”? Administrator Segars said that there were two (2) ways of doing this. One, is to go over these ordinances line by line or, ask the County Attorney to look at these ordinances along with the Department Heads to make their changes and then to the Planning Commission to approve. Commissioner Weeks asked for confirmation that if the Attorney and the Department Heads did all the work, then it was not the Planning Commission conducting the review and recommendations to County Council. Administrator Segars said that there were two (2) ways of doing it; line-by-line or on recommendations.

Commissioner Weeks said, “At the last meeting I had asked about the grandfather law. Everyone told me over n over that you can’t change it. And then somebody said you need to talk to Sandy Cruickshanks because he is the County Attorney. I spoke with Mr. Cruickshanks and he told me that we can change it with time allowed. I wanted to change the grandfather law on the Junkyard Ordinance to just cover them up...not to make them move, not to make them close it down but to allow them time to make these changes as to concealing them”.

Administrator Segars replied, “But, an ordinance has to be changed by another ordinance”.

Vice Chairman Brewington said, “If we recommend changes and a group says this sounds great. We make those recommendations in an ordinance and then those changes need to go before Council for approval”. Administrator Segars said, “An ordinance can only be changed by another ordinance with three readings and a public hearing taking a month to ten (10) weeks). The point I am trying to make is that some of these ordinances are so openly outdated that they contradict themselves on occasions. It is up to the Commission on how they wish to do it”.

Mrs. Walsh interjected, “The whole intent of the blue binder, which includes all of the enforcement ordinances, is for the consolidation of many ordinances into one per subject matter. Not having four (4) or five (5) amending ordinances that amend the initial ordinance created years ago. This book has copies of all those ordinances that need to be reviewed. The Commission was presented this book to review and to select those that they felt had priority and work through them with recommendations made from the enforcing agency. I just think that some are overthinking the process and overlooking the whole intent of the blue book and things are not happening because the same discussions are held over and over”.

Commissioner Holmes said, “What I am hearing is that there are corrections that need to be made and we need to determine a starting point. I agree that we need to move on with it with recommendations from enforcing departments. Is there a motion that needs to be made from this point?”

OLD BUSINESS:

- A.) **DISCUSSION – JUNKYARD / SCRAP YARD ORDINANCES** – Vice Chairman asked Mr. Bobo to address his concerns with the Junkyard Ordinance.

Mr. Bobo informed the Commission that setbacks are a primary concern.

County Council Chairman Joe Wood said, “I think it to be a very simple process if the Planning Commission suggested changes to County Council with Council adopting these changes by an Ordinance. I am satisfied that the County Council would take these recommendations into consideration”.

Administrator Segars said, “We are talking about a process that has been in place for forty (40) years. We are not talking about a new process at all. The only point I am trying to make is for these folks, who enforce the ordinances, the obstacles they encounter. If they are confused and the public is confused then that gets back to Planning Commission. There are some more pressing than others. We will follow any process that you want to follow. The Council does have standing committees if you want them involved. These ordinances need to be looked at and clarified. Again, it is the job of the Commission to advise County Council on these types of issues”.

County Council Chairman Wood said, “If a department head has a problem with enforcing these ordinances and comes to the Planning Commission, I am not one to tell the Department Head how to run his job. I will listen to what they say because they are responsible for making ordinance work. If they come to the Planning Commission with problems of an ordinance, then it should be changed by the Planning Commission and then send to County Council for approval and adoption”.

Commissioner Smith asked, “During the last two (2) session, we made some changes and we voted on these changes. Do we have that authority to actually approve?” Attorney Cruickshanks replied that you were simply allowing a variance outside the perimeters of the ordinance. Administrator Segars stated, “There again, who does that go to? It’s one thing for those that have zoning, we don’t. Certain things go straight to Circuit Court. These ordinances need to say where it is supposed to go – Circuit, Planning Commission or County Council.”

Vice Chairman Brewington then again called upon Codes Officer Bobo to continue. Mr. Bobo said, “The common problem we get is that someone can buy a piece of property right beside a subdivision, beside a church or so on without requiring a setback from the other establishment. I think we need to address setbacks from a single family residence or a cluster of houses. I looked at several other County ordinances with Greenwood saying that no junkyard shall be established within five hundred feet (500’) of an existing church, cemetery or dwelling and five hundred feet (500’) of scenic corridors; Cherokee County had one thousand feet (1,000’) of a church, day care, nursing home, hospital, continuation of ten (10) residences or five hundred feet (500’) from a single residence. Different counties have different ideas on setbacks. The

general idea is when one builds their dream house and put all your hard earned savings into it and a junkyard comes right beside you, your property value is essentially gone then. We only have thirty feet (30') setbacks from the edge of the property. Should this not be increased to help protect personal property?"

Commissioner Weeks asked if by changing these setbacks now, how will those grandfathered in be looked at? Mr. Bobo replied that this was for new junkyards. Commissioner Weeks said that in the end nothing is really going to be done with those grandfathered in. Mr. Bobo said, "This really is two separate issues one new and one changes to the ordinances affecting those grandfathered in. We need to be careful with this so as not to reap consequences from those already grandfathered. Requiring them to put up an eight foot chain link fencing versus screen plantings".

Commissioner Copeland asked if the Counties referred to have zoning? Mr. Bobo replied, "No zoning. I have not heard back from Newberry County and Greenville County that does have zoning. They may say that junkyards have to be placed in a certain area but they still have setback requirements. Most of the Upstate have zoning or land use regulations and not like us with nothing".

Commissioner Copeland asked for confirmation if land use regulations would cover setbacks for this? Mr. Bobo replied that it would but not as detailed as to locations as zoning.

Commissioner Holmes asked what he, Mr. Bobo, recommended. Mr. Bobo replied, "Five hundred feet (500') feet from a residence and a thousand feet (1,000) from churches hospitals and so on is standard for those with no zoning. We cannot really say subdivision because a lot of cluster houses are not subdivisions."

Commissioner McDannald asked if there were any applications pending right now for junkyards. Mr. Bobo replied that there was not.

Vice Chairman Brewington questioned the county and state roadway requirements for other areas. Mr. Bobo replied, "It varies but most have five hundred feet (500') from a scenic roadway and the I-85 corridor". Vice Chairman Brewington asked if this could not be something addressed for Laurens County? Mr. Bobo replied that any areas that we feel need to be protected can be applied. Cherokee County has stated in their ordinance that no junkyard shall be established closer than a thousand feet (1,000') of any SC Highway, U.S. Highway or Interstate Highway."

Vice Chairman Brewington stated that he felt like this would be an excellent idea for us to consider.

A brief discussion was held as to options of screening from public view. Mr. Bobo said, "Another thing to consider is if someone puts a junkyard in a ravine, a taller screening would be required to conceal and it would take years for greenery to grow. We need to have the option to deny if the terrain does not support having a junkyard due to the screening abilities".

Commissioner Smith said, "We are trying to do future junkyards and we already have two (2) junkyards that are not grandfathered in. It is obvious that we will be changes the variances for future, is there a method that we can follow going back to those twenty five (25) or thirty (30) existing junkyards?" Mr. Bobo stated that one way to overcome this is to have one section for the grandfathered and then for the new junkyards.

Commissioner Copeland stated that when we start talking greenery, we need to discuss and determine species of trees.

Reading from Ordinance #433, Vice Chairman Brewington said, "*No person shall establish, enlarge or operate a junkyard after the effective date of this Ordinance without first complying with the provisions set forth herein*"; Is this sufficient to cover the situation now with Mr. Wilson? I don't believe it is". Mr. Bobo, replied that he too

did not think it would because he actually has one (1) nine (9) acre parcel, out of six (6) parcels, that is actually grandfathered on the backside of Bannister Drive, the rest he has bought and not registered. All the evidence as to a junkyard says he has one (1).

Commissioner Weeks commented that it was mentioned at the last meeting that a possible yearly inspection could be conducted. Mr. Bobo said, “We can charge him two hundred dollars (\$200.00) a day, if the Judge allows, for each parcel that is not in compliance. What I would like to see him do is put up a fence or remove these pieces from these parcels. A Mr. Butler actually owns some of the property that the pieces are located on. I went to Greenwood and visited Mr. Butler about this junk and he informed me that Mr. Wilson has put that on his property, that he did not do that”.

Reading from the Ordinance, Vice Chairman Brewington said, “All existing commercial junkyards shall obtain a *“Junkyard Operation Permit”* and a letter from the Department of Public Works. All documents shall be obtained from the Department of Public Works or its designee.” Mr. Bobo and Mr. Russian agreed that this verbiage needed to be changed to the Codes Department. Mr. Bobb added that before this is concluded, that he would like to have record of an accurate address and tax map number so it could be determined easier if one has been enlarged. At this point, it is hard to determine what was and what is now.

Vice Chairman Brewington asked for comments on the roadways and parking for junkyards. Mr. Bobo replied that usually parking spaces are not necessary because those looking for parts drive down into the junkyard but, this is something to be considered.

Further dialogue was presented regarding fencing and screening and property lines for new and old junkyards. It was determined that the staff would research and present the Planning Commission with their recommendations at the next meeting.

Vice Chairman Brewington asked for each Commissioner to determine what roadways within their jurisdiction could be considered for junkyards to not be permitted and protected and to report back to the full Commission at the next meeting.

Vice Chairman Brewington asked Council Chairman Wood for his comments. Mr. Wood said, “Basically what I am hearing is that zoning basically tells a person what he can and can not do with his property. An Ordinance protects the owner of his property”.

Council Chairman Wood asked if he could continue with a comment concerning the last meeting. Vice Chairman Brewington agreed.

Council Chairman Wood said, “First, I am Joe Wood, Chairman of the Laurens County Council. I know most of you and want to express my appreciation of your service to this County. It is a job that does not pay anything but you provide your services to this County. We are in this together and want the best for Laurens County. From the minutes of the last meeting, when the comments about the mobile home park came up about one that was started over ten (10) years ago, I asked Mr. Bobo about building permits. A building permit you have a certain amount of time and if not completed it has to be renewed. We have talked about grandfathering tonight too. Does grandfathering work when you transfer a piece of property. I understand that this piece of property has been transferred twice since it began in 2004. The other was the noted vote for this; a tie vote is a failed vote and Betty Ann has straightened this out earlier in the meeting. One valid reason the County Council asked for this ordinance to be rewritten was the situations with Willowcreek Mobile Home Park. A developer came in and started the park, sold the lots and in some cases placed mobile homes, then flew the coop. This is private property and the residents are left with a muddy mess. The individual that was discussed at the last meeting about the mobile home park he bought stated that he had already spoken with the Water and Sewer Commission for a waterline to the park; saying it was going to cost him eighteen thousand dollars (\$18,000) to do so. I believe he is mistaken for the costs because a tap for these units will be about that much not counting running the lines. Once this is established and the

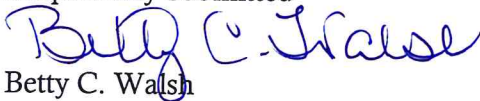
roadway is not kept up, then all of the emergency services will not be able to travel the roadway. Are we going to allow septic tanks to be put in from specifications ten (10) years ago? I am just getting to where there appears to be so many unanswered questions. My biggest concern is about it changing hands. I just feel that we need more legal opinion on this as to whether it is grandfathered or not; were the permits renewed”.

Commissioner Weeks stated that Mrs. Holmes asked those questions at the last meeting and was told it was okay. Mr. Bobo stated that the plat was approved due to the mobile home paving exception in our road ordinance. The plat grandfathers him in on the road. The septic tanks were grandfathered in on the project and those permits are good forever. He does have to comply with the Mobil Home Park regulations. There was nothing actually to renew towards permitting because there were actually nine (9) permitted initially.

COMMISSONER COMMENTS: No further dialogue was presented.

ADJOURNMENT - Having no further business, there was a CONSENSUS to adjourn at 7:00 P.M.

Respectfully Submitted



Betty C. Walsh

Laurens County Clerk to Council