Attorney sees ambiguity in zoning law



FILE PHO

Lake Keowee property owners are rushing to protect their lots by signing rezoning petitions around the lake. An attorney whose family's timber land has been pulled into one of those petitions is calling Oconee's zoning law "ambiguous."

BY CARLOS GALARZA
THE JOURNAL

WALHALLA — Roberta Barton has looked at Oconee County's Zoning Enabling Act with the eagle eyes of a young attorney.

Barton practices law in Walhalla after graduating from law school three years ago.

Her review of Oconee's ZEO is more than just a passing interest. Her family's tradition going back more than 100 years of growing timber for harvesting is at risk.

Barton's 360-acres used for the timber industry is caught up in the massive Keowee Key/Stamp Creek zoning petition that came before the Oconee County Planning Commission for the first time this week.

Barton's family wants to be excluded from the 2,858-parcel petition that would convert 99 percent of those properties into Lake Residential District.

The young attorney and her family are leery of what she calls the ZEO's "ambiguity."

"Give some clarity for us to know what to expect," Barton said during public comments at Monday night's Planning Commission meeting.

"I don't know what to expect," she added.

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"I can expect that people are going to complain, and I can expect that if I'm submitted to this ordinance, they'll have a standing to complain to you."

Astutely, Barton notes that while the ZEO references South Carolina's Right to Farm Act, there is zero reference to the state's Forest Management Protection Act.

"If you had referenced that I would have had a little more protection," Barton said. "I could prove it by going to court and spending the money for doing that, I'd rather let my timber grow and my trees grow."

Barton said the "whole perspective" of the ZEO "was created for residential areas." She said there should be a balance with the needs of industries in the ZEO.

"Please, remove our family land from (the petition) ...," Barton said. "Don't expose us to unnecessary litigation, unnecessary hoops to jump through ... Don't discourage me from doing my family operation. It's been going on for so long. It's a passion. It's something I'm proud of ..."

Barton said she would like to have the opportunity to sit down with planners at their next meeting and come up with some proposals, after talking with industry experts, and "try to make something that is fair and just, and give us legal protection."

The Planning Commission put off until August making any decisions on the petition, as wells as the requests from individual property owners that want to be removed from it.

Once the commission makes a recommendation, the petition returns to the Oconee County Council for two more readings and a public hearing.

carlos@dailyjm.com | (864) 973-6685