

Oconee Council decides on zoning, some cry foul and unfair

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An elderly landowner left the Oconee County Council Chamber in tears Tuesday after a majority of the council voted to zone her property counter to what she had requested.

The prevailing council members rejected the advice of the county planning commission on the zoning question and embraced a recommendation of the county planning staff.

A council member who voted against the change accused the county planning director of being under the thumb of monied residents of the Lake Keowee communities he said are trying to shape the county to their designs.

Critics say the decision illustrates the confusion and unfairness of Oconee County's current method of zoning and sets the county on a collision course with litigation.

By 3-to-2 votes the council amended two changes to the zoning ordinance under consideration and passed each on second reading by the same 3-to-2 vote.

Council chairman Reg Dexter and council members Paul Corbeil and Mario Suarez voted each time in the majority. Council members Joel Thrift and Wayne McCall dissented.

At the heart of the matter were two conflicting petitions, one by Jean Jennings of the Fairview community on Ebenezer Road and one by Jim Codner, president of the Advocates for Quality Development.

Jennings' petition involved 56 parcels owned by Jennings and some of her neighbors, with a request that 53 of the parcels be classified as traditional rural property and the other three as residential.

The Codner petition involved a request for 250 parcels north of Cane Creek, near Ebenezer Road, to be zoned as lake residential with the remaining three as residential. The two petitions had an overlap of 13 parcels.

The conflicting petitions have been the ball in a tennis match between the county council and the county planning commission since this Spring.

The planning commission sent the petitions to the council with recommendations and the council sent the petitions back to the planning commission for further consideration, once at the commission's request.

The planning commission recommended Jennings' request for a zoning as traditional rural be approved. The county planning staff, however, recommended the property be

zoned as agricultural residential, which restricts any commercial use or development on the land.

Before the vote was taken, three lake community residents, including Phil Cooper, former president of the Woods and Lake Executive Property Owners Association, spoke in favor of the agricultural residential zoning for the property.

Jennings had made a plea for the traditional rural class.

Those in the lake community, she said, included many people who might want or need to start small businesses toeke out a living in the current economy.

The agricultural residential zoning classification prevents many options, she said. With the county's interest in fostering tourism, the class even blocked such commercial uses as a bed and breakfast, Jennings said.

Council member Corbeil said the few restrictions involved in the traditional rural zoning essentially left adjoining property owners unprotected from undesired growth and development.

As for those wanting traditional rural zoning, Corbeil said, "We have no desire to change their lifestyle, but to allow a few parcels to remain unrestricted is not in the best interests of the county."

Earlier, Ryan Honea of the county planning commission denied allegations the agricultural residential classification had been created as a tool for the lake community residents to restrict other landowners around them.

"We had some people in the southern part of the county who wanted to remain rural but didn't want to have to deal with chicken houses," Honea said. "These are mainly 'hobby farmers'. They might have a horse or a cow or a few chickens but they don't want to deal with 20 horses, 20 cows and 5,000 chickens."

The issue of built in unfairness in Oconee County's current method of citizen-initiated zoning was raised by, among others, former county council candidate Bo Horne.

It was unfair, Horne said, when a group of smaller parcel owners could initiate the zoning of their larger landowning neighbors.

The current ordinance allows petitioners to outline a map of the desired zoning area and initiate the process with 51 percent of the involved landowners' signatures on the petition.

Horne also questioned the validity of county planning staff making recommendations, pointing out that state law seemed to give that role solely to the planning commission.

"Who is in charge of planning in Oconee County?" Horne said.

The county planning staff, most notably planning director Art Holbrooks, seemed to be under the influence of the special interests found in the lake community residents, Horne said.

Horne's refrain was taken up by Council member Wayne McCall.

"I see a lady who wants her land traditional rural and I see a select few who are running this county and running the planning department," McCall said. "We have a select few screwing an old lady."

McCall's criticism drew applause from about a dozen members of the audience.

Council member Mario Suarez denied any outside control or desire to harm Jennings.

"This decision does not imply we aren't compassionate," Suarez said. "But this is a way to protect the county from uncontrolled growth."

Jennings, who had left the Council Chamber in tears after the votes, said she did not know what her next step would be, if any.

David McMahan, whose family property of many generations was included in the Jennings petition, said he was disappointed.

"We didn't encroach on anybody like they did," he said, referring to the landowners of the conflicting petition. "I don't know what to do."

Some of the group with Jennings and McMahan raised the possibility of litigation.

Oconee County enacted a zoning enabling ordinance in December 2008 and it went into effect in May 2009. To date, two zoning petitions have been carried through the process to conclusion.

The Council will require a third reading of the amended ordinances passed Tuesday before they will be enacted.

Tom Markovich, former president of the Home Builders of Oconee County, said Tuesday's wrangling was indicative of the problems the county's current initiation method is bound to cause.

"There are some very serious problems with the way it's being done," he said.



