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Oconee County zoning petitions set up conflict

By Ray Chandler

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WALHALLA — Two zoning petitions including the same parcels but requesting different classifications could provide a test of the county's zoning ordinance.

The county council on Tuesday referred the petitions to the Oconee County Planning Commission, which last week voted to impose a moratorium on considering zoning petitions until some issues in the zoning ordinance were clarified.

County council Chairman Reg Dexter said Tuesday, however, that he wanted the planning commission to report to the council within 30 days.

One petition, submitted by Jim Codner, president of the Advocates for Quality Development group, includes 253 parcels and bears the signatures of 68 percent of the property owners involved. The request is for 250 parcels north of Cane Creek, near Ebenezer Road, to be classed as lake residential with the remaining three as residential.

The conflicting petition, presented by Jean Jennings, involves 56 parcels near Ebenezer Road, in the Fairview community, with the request that 53 parcels be classed as traditional rural and three as residential. The petition bears the signatures of about 83 percent of the property owners involved.

According to county planning staff, 13 of the parcels in the Jennings petition are included in the Codner petition.

Three people signed both petitions, according to county planning director Art Holbrooks.

Codner told council members that his petitioners wanted to protect the shore area of Lake Keowee with the classifications sought because Duke Energy's lake-shore management plan designated about 17 miles of the shore as usable for commercial marinas. The area included in the petition included about two and a half miles of lake shore.

Property owners whose parcels are included in the Codner petition unwillingly are caught in the battle of conflicting desires

"We want to be traditional rural," said property owner David McMahan. "We didn't agree with the overlapping."

His family has occupied and farmed the property since 1897, McMahan said. "We are

the definition of "traditional rural. We don't want to be lakefront residential," he said.

His family had fought to hold on to the land, McMahan said, "And, in effect, I guess we're fighting for it again now."

One council member Tuesday was vocal in supporting the McMahan position.

"It's your land," council member Wayne McCall told McMahan. "You have the right to do what you want to with it."

Howard Moore, vice chairman of the planning commission and initiator of the commission's moratorium on considering zoning petitions, said Wednesday that the was an example of how problems with the county's zoning ordinance and the publics information about it need to be resolved.

"For one thing, we need to better inform people about the classifications," Moore said, adding that he would advocate that the county set up an information line dealing specifically with zoning. "We haven't done a very good job of letting people know what's involved and what's at stake."

Moore said he would like to see a standard letter of contact for landowners and also some means outlined to deal with harassment complaints.

"I've had people tell me that the ... (petitioners) keep coming back time and again trying to get them to sign," Moore said. "And some have told me the ... (petitioners) tell them if they don't sign they'll be zoned anyway. There's got to be a way to deal with any cases where people seem to be arm twisting even if it means getting the ... (sheriff's office) involved."

Moore said the planning commission will likely take note of Dexter's request for a report on the petitions within 30 days, but said the council might get nothing more than an update.

"I've said my concerns," Moore said. "Other commissioners might have others. We'll know when we meet and discuss it. And I don't know how long it might take to get some of these things worked out."

Any petitions the commission receives that have signatures of 100 percent of the property owners involved will likely be expedited, Moore said.

"It's the ones where there is a conflict and the process clearly isn't working that we want to slow down on," Moore said.

Moore said he's disturbed by a tendency he sees in the county council to want to micromanage the planning department and county planning personnel regarding the zoning issue, and also by the very conflict between the two bodies over the commission's desire to clarify what the members see as glaring deficiencies in the ordinance.

"We don't want to stop zoning," Moore said. "We just want to fix it. ... (The council) should be thanking us, because when something goes really wrong it's going to land on them."