

# Oconee zoning lawsuit filings complete

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WALHALLA — Oconee County Administrator Scott Moulder and three other local officials filed their initial defense Tuesday against a zoning lawsuit.



Also answering allegations of civil conspiracy and other charges were Councilman Reg Dexter, Planning

Commission member Andrea Heller and Planning Director Art Holbrooks.

Councilman Paul Corbeil filed his defense Monday.

## ZONING: Case enters deposition phase

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Members of Advocates for Quality Development — Jim Codner, Gary Owens and Chuck Smith filed their answers to the lawsuit as well.

Moulder said the county and county officials named in the lawsuit are being represented by attorneys assigned to them by the State Insurance Reserve Fund.

The IRF is a division of the South Carolina Budget and Control Board that functions as a governmental insurance pool. It provides, among other services, tort liability insurance to government entities and their employees.

AQD and their members are responsible for their defense.

North Fairview resident Jean Jennings and her neighbors, David and Michelle McMahan, filed the lawsuit in August. The lawsuit was the culmination of a contentious rezoning process in which County Council ultimately denied the request by Jennings and the McMahan to be zoned Traditional Rural District.

The plaintiffs' zoning petition overlapped with that of Codner's who was representing North Cane Creek homeowners on Lake Keowee.

The lawsuit claims that emails obtained through a Freedom of Information Act request show a pattern of private consultation between Codner, other AQD members and county officials that plaintiffs say stacked the deck against their request.

Jennings and the McMahan eventually had their properties zoned to a new Agricultural Residential District that did not exist when they first filed their petition.

Plaintiffs' attorney Roberta Barton plans to argue that the exchange of emails between the county and AQD rises to the level of civil conspiracy.

The lawsuit also alleges intentional infliction of emotional distress and defamation by the defendants against Jennings and the McMahan, among other charges.

Barton said the case would now enter the deposition phase.

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