

# Plaintiffs weigh options after zoning dismissal

BY CARLOS GALARZA  
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WALHALLA — A central figure in the zoning lawsuit against Oconee County that was dismissed by a judge this week said he plans to evaluate the decision and any legal options still available.

David McMahan said Thursday that "Oconee County lost" when the judge threw the lawsuit out.

McMahan, his wife, Michelle, and their North Fairview community neighbor Jean Jennings are still grappling with the outcome of Wednesday's dismissal.

The group sought to erase a zoning decision by alleging that councilmen and members of Advocates for Quality Development conspired to thwart their petition for the Traditional Rural District designation. Instead of TRD, the petitioners had their property placed into Agricultural Residential District, which further restricts what they could do with their land.

"I haven't had time to digest what the judge said," said McMahan, who could not attend the hearing because of job-related obligations in Columbia.

**ZONING:**  
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"This never was about Michelle, Jean and I. This was all about Oconee County and property rights."

McMahan said he and the others would meet next week with their attorney, Roberta Barton, to go over their options.

Circuit Judge Cordell Maddox dismissed the lawsuit because, in his opinion, it should be a matter that would best be resolved by voters at the June 12 primary and not the court.

"Overall, I think this is an election issue," Maddox said.

During the hearing, Maddox maintained that improvements had been made to the county's zoning ordinance that allowed uses initially not allowed in the ARD designation, such as having a museum, operating a winery and harvesting timber.

"It's been amended to allow your clients to do what they want," Maddox said to Barton. "So you've won."

David McMahan takes issue with the judge's assertion that the plaintiffs had won.

"The judge did not look at all of the evidence," he said.

Michelle McMahan disagreed that the lawsuit is a political issue.

"This was not politically motivated," she said. "The whole process was not transparent."