

MINUTES

**PLANNING & ZONING COMMISSION
WORKSHOP**

WEDNESDAY, AUGUST 25, 2010
6:00 PM

Present:

Chair Diane Sheffield
Larry Ganus, Vice-Chair
Frank Rowan
Ed Allen
Judge B. Helms – School Bd. Rep
John Yerkes
Dr. Tony Arnold

Absent

Willard Rudd
Catherine Robinson
Dr. Gail Bridges-Bright
Alonzo McBride
Mari VanLandingham

Staff Present:

Anthony Matheny, Growth Management Director
Jean Chesser, Deputy Clerk

Consultants Present:

Mrs. Marina Pennington
Justin Ford (Preble-Rish)

CALL TO ORDER:

Chair Sheffield called the meeting to order at 6:00 PM with a quorum present and then led in the pledge of allegiance to the U.S. Flag.

Each member present stated his/her name and district for the record, and Chair Sheffield then turned the meeting over to Mr. Matheny and Mrs. Pennington.

Mrs. Pennington said the P&Z Commission should now have a copy of the preliminary draft of the table and six (Future Land Use, Housing, Infrastructure, Conservation, Recreational and Open Space and Inter-Governmental) elements of the Comprehensive Plan.

Mr. Ganus said when the P&Z Workshop ended last week the Commission did not have a copy of all of the changes that they now have in hand. He said it was mentioned that what they had already discussed would be amended in each of the sections where the P&Z Commission had suggested changes; however, none of those changes are reflected in the copy they have tonight. He then asked if they were starting over again tonight -- re-do what they did last week and bring it all up-to-date -- where exactly are they on all of this process.

Mrs. Pennington said they would be starting over again tonight because of the confusion with last week's package not being correct (changes not shown in red, etc.) and they wanted to make certain the commission members had the correct, color-coded package for tonight's meeting. She said Mr. Ganus was correct and she then explained the suggested changes from last week are not indicated in tonight's package, but stated she has all of the notes on the proposed changes and those will be made -- they were not made in tonight's package because they (consultants/staff) were concentrating on getting the packages out to the Commission members by last Friday and simply did not have time to make those changes.

Mrs. Pennington then reviewed the Future Land Use Element, page 11 **Mining-Objective 5.6**, and said the staff's proposed change on the Mining category as reflected in the Conservation Element Table, page 2 will be made in the goals and objectives of the FLUE. She also said changes Mr. Ganus brought up at last week's meeting on **Policy 1.1.6** (pertains to immediate family exemptions) that was sunset two years ago and should have been deleted from the Comp Plan) will be made.

Mr. Ganus raised concerns with **Policy 1.1.7** (states in excess of two dwelling units/acre) in the Future Land Use Element being in conflict with **Policy 4.5.3 and Policy 4.5.5 (1)** (states in excess of four dwelling units/acre) of the Infrastructure Element in the number of dwelling units per acre.

UPON A MOTION BY MR. GANUS THAT LANGUAGE IN POLICIES 4.5.3 AND 4.5.5 (1) OF THE INFRASTRUCTURE ELEMENT (SANITARY SEWER SUB-ELEMENT) BE CHANGED TO READ THE SAME AS POLICY 1.1.7 OF THE FUTURE LAND USE ELEMENT -- "IN EXCESS OF TWO DWELLING UNITS PER ACRE", AND UPON A SECOND BY DR. ARNOLD, THE COMMISSION VOTED 7-0, BY VOICE VOTE IN FAVOR OF THE MOTION.

Mr. Allen expressed concerns with page 2 of the Conservation Element table pertaining to Mining **Policy 5.2.6** which states "mining shall be permissible in wetlands -----"and the fact that this Policy is referred to throughout the entire Conservation Element. Mrs. Pennington said she understands Mr. Allen's concerns and in her review of the Mining Policies she found that there are discrepancies, etc, but the EAR didn't recommend any changes to this. She said the Mining issue certainly needs a lot of work and changes but recommended the Mining issue be addressed at a separate time, and not with the EAR Amendments. She said there are a lot of policies regarding Mining -- a lot in the Conservation Element, some in the Future Land Use Element, etc.

Mr. Allen said he understood what Mrs. Pennington was saying, and he added "But, if we don't get it done here during the EAR Amendments -- trust me, it will never come up again in this County until 7 years from now when we have another EAR Amendment."

In response to a question from Chair Sheffield as to how the Mining issue could be addressed in the near future, Mrs. Pennington said the County could always initiate an Amendment.

Mr. Matheny said the County could amend it but said there is another part which says it will be allowed in those areas and if that is what Mr. Allen is worried about, there is a caveat to that with Federal and State agencies approval. He said "the approval process for something in a wetlands area

other than, and I don't know what kind of mining you would have, but that's going to be more stringent and they are going to have to go through much, much more severe approval than we could ever put on them, but now we can address that in the future through an amendment. The County can change the Comp Plan any time they want to – we can initiate that but it needs to be done at a later date but not as part of what came out of the –“

Mr. Allen “But we could not just add “Not”?”

Dr. Arnold “It's not part of the EAR.

Mr. Ganus “Well what's the meaning of this then under the Conservation Element, one of the things on the list of things to do; revision to mining use policy? It's on the list of things to do –it's one of the things to address during this EAR process, is it not?”

Mrs. Pennington “Yes”

Mr. Matheny “It is – later, outside of this. What we're saying, part of what needs to be done is outside of this. Revise some of those policies so that is going to be done separately if it's too much to do right now. You're agreeing to revise the policies and make them more stringent later. You're not doing it within this document here because then you're opening up a very complex, long drawn out process. We are going to address them; it's just going to be later.”

Mr. Allen “In Gadsden County it'll never be addressed, I'm telling you.”

Mrs. Pennington “In order to clarify the mining issue, we are already making a significant change as shown in **Policy 1.1.5** of the Future Land Use Map (page 2 of table) and we are going to make it subject to the County's Land Development Plan approval process.”

Mr. Allen “And, I agree.”

Mr. Ganus “Well, is there going to be something somewhere in the document that is going to be produced as a result of the EAR – somewhere to say that by 2012 or 2015, or whatever, that the mining use category will be addressed and will be done? Is there a statement like that in here anywhere?”

Chair Sheffield “You know, in the past when we had issues like this we seemed to have a hard time getting back to them because we would always hear our directors telling us they are over-worked and they don't have time for that. Right now seems like a good time --I don't mean today or tomorrow – I mean, you don't have much coming into the office as far as developments to review and so forth, so it may be that –“

Mr. Matheny “We don't have a lot of new stuff, but we do have a lot of existing work to do, but I'm not saying we can't initiate that and get it going soon”.

Chair Sheffield “Well, we’ve had meetings that were cancelled because we didn’t have things that we needed to review, and it seems like to me that this year we could start working on this mining issue before we get busy again with developments and so forth.”

Mr. Ganus “Because all the way through this document, and in case all of ya’ll haven’t noticed, there is a slew of dates being changed from the early 2000’s to 2012 and some that have never been addressed. What happened to all of that? It’s just not getting done is what my point is.”

Mr. Matheny “I can’t tell you why they didn’t get addressed, but I can tell you that with today’s date being late 2010 we have to put that out because we – But I’ll tell you and this is not an excuse, I’m just giving you facts. If we had any kind of substantial new activity going on right now and with the staff we have and the resources we have it would be so delayed it would boggle your mind. We have staff levels that were appropriate for years and years and years ago.”

Mr. Ganus “but what’s to say that’s not going to happen again in the future too? We’ve seen the past and we know what it looks like and it’s ugly, so we’re all thinking it’s going to occur from here on out; and the next time we revise this document we’ll be changing these same dates again to the future.”

Mr. Matheny “All I can tell you – I can’t give you a definitive answer on that. All I can tell you is we’re going to do the best we can to do what we’re saying we’re going to do in this document by the timelines established, when there are timelines established.”

Mr. Ganus asked if somewhere in this document they could add a statement that by 20?? (twenty whatever) the mining issues will be addressed? Make a statement to that fact that it’s in there so anybody can review it and say ‘this needs to be done’?”

Mrs. Pennington said they could make a policy like that –Recommend the County to review and make the necessary changes to the Mining Policy within a timeframe –

Dr. Arnold to Mr. Matheny and Mrs. Pennington “Do you think it would be a more efficient use of your time and our time to address the mining issue now rather than to start all over again with it later, I mean as part of this process?”

Mr. Matheny “No, because we were just explaining that. If you start addressing what you’re gonna require, as far as a new process and as far as what’s allowable and not allowable and you can’t get it done – it’s gonna have to be done outside of what we’re doing here tonight. We’re saying we’re going to do it and we’ve made a major revision on the mining policy as we’ve talked about here tonight. We’ve made a major difference, but to get to the particulars of that is going to take a separate series of meetings, staff time, regulatory agency input. I mean, it’s something that’s going to take quite a while to do and we wouldn’t get no where with it tonight.”

Mrs. Pennington “I agree.”

Chair Sheffield asked where they will put the policy – in the Conservation Element.

Mrs. Pennington asked to be allowed some time to think about that because the mining policy is in both the Conservation and the Future Land Use Element and she said she would find the best place for it. She said her note says “Recommend County and staff review and make the necessary changes to the Mining Policy within a time certain.”

After additional discussion, it was the consensus of the P&Z Commission that Mrs. Pennington’s recommended mining policy as stated above be added to both the Conservation and the Future Land Use Element.

Mrs. Pennington said the County can revise the Mining category at any time and Mr. Matheny agreed, stating the Board of County Commissioners could decide at any time to review, make changes, write it up and send it to DCA. He said it could basically be done rather quickly. He also recommended the language date for the mining policy as discussed tonight be “by the end of 2012” so as to give staff a little breathing room in the event other things should come up.

Mr. Ganus asked for an explanation regarding **Policy 1.1.15**, page 12, Future Land Use Element – high density residential category -- mixed uses. He asked why they would not want to permit mixed uses in an Urban Service Area – isn’t that what Urban Service Area is all about?

Mrs. Pennington said that was a very good question and she too was curious as to how that policy made it into the Comp Plan. It is an existing policy and the only change is the date. She explained when you have high density you want mixed uses. She said the entire policy could be deleted and Mr. Ganus recommended deletion of the last portion of the sentence -- **DELETE “but which does not permit mixed uses”**. It was the consensus of the P&Z Commission that the deletion be made.

There was a very brief, general discussion regarding **Policy 1.1.16**, page 12, Future Land Use Element –

Mr. Yerkes referred to page 12, Future Land Use Element and the policies addressing industrial areas. He said over the years there has been discussion on trying to find some way to limit the number of areas in the County zoned for industrial use, but he doesn’t see anything in this preliminary draft that addresses it as an objective and that leaves it kind of wide open to develop these areas throughout the whole county. He said he knows there are certain restrictions – being near certain types of roads, infrastructure, railroad sidings, etc., but he feels there should be an objective to address the industrial areas.

Mr. Matheny said there will not be any new industrial uses development unless all of that infrastructure is in place and right now there are no plans on the horizon to put in all of that new infrastructure – rail spurs, etc. – He said the County has areas that are appropriate for that right now, and that’s probably where it is going to stay.

Mr. Allen briefly touched on **Policy 1.7.1**, page 15, Future Land Use Element concerning cone of influence and wellhead protection zones – 500 ft, 200 ft, etc. This particular policy is not part of the EAR, but it could be marked for ‘future’ discussion.

Mr. Allen asked if the Commission was supposed to discuss the policies of **Objective 1.14**, page 23, Future Land Use Element and Mrs. Pennington said, “No, this Policy, **Objective 1.14** was included into the Comp Plan as a result of the Settlement Agreement between the County and DCA. There is no recommendation in the EAR to make changes to this Policy or this Objective. We are not proposing any changes to 1.14.”

Mr. Allen then asked about “Highlands at Lake Talquin” as new **Policy 3.1.12** of the Wetumpka – Lake Talquin Overlay Plan and **Policy 1.14.2**, page 24, Future Land Use Element. He said the new 3.1.12 Policy states in part “Existing development on parcels as of the date of adoption of this overlay shall be permitted to development without central sewer –“, yet according to DCA this particular parcel has to have central sewer. Mr. Allen then asked if **Policy 3.1.12** would override DCA.

Mrs. Pennington said “existing development, so if it is in the Highlands is governed by **Policy 1.14.2, page 24**, Future Land Use Element. One of the interesting points I was going to make is three of the parcels under **Objective 1.14** – the Highlands is just one of them – two other ones also fall within the Lake Talquin Overlay, so they have a specific policy that was put here in the Comp Plan by DCA and the County to solve a Comp Plan Amendment issue and now they would be in the Lake Talquin Overlay, and just which policies would apply to them, just this one or just the one from the Overlay (this doesn’t go away; we are not removing it), or do both – the most stringent – that’s a very interesting question and I don’t have the answer.”

Mr. Allen “Then let me ask you this. Why was this new policy written? This **Policy 1.14.2** is what the State says they have to – in other words if they develop out there, they’ve got to include a sewage operation plant.”

Mrs. Pennington “Yes”

Mr. Allen “Yet, in this policy, brand new **Policy 3.1.12**, says existing development on parcels as of the date of adoption of this overlay shall be permitted without central sewer –“, so, just a simple yes or no. Does that allow these properties to go over DCA – and if this slips through the Board of County Commissioners, does this allow the Highlands of Lake Talquin to operate without a central sewer system?”

Mrs. Pennington “I don’t know and that’s what I was saying – this is a legal question and --“

Mr. Allen “Well, who wrote the policy?”

Mrs. Pennington “The group.”

Mr. Allen “What group?”

Mrs. Pennington “The Wetumpka – Lake Talquin.”

Mr. Allen “No Mam. No Mam. I beg to differ with you. That was never discussed at Lake Talquin, Never, not over riding anything DCA says.”

Mrs. Pennington “We have not – I would say that let’s wait until we have the Wetumpka – Lake Talquin meeting to discuss the Wetumpka – Lake Talquin Policy.”

Mr. Matheny “We can change it then, Ed.”

Mrs. Pennington “Yes, we can change it at that point.”

Mr. Matheny “We can make it – we can make it come in line with DCA language at that point. Let’s wait and do it then.”

Mr. Allen “My question is why was the policy written? It wasn’t in the Wetumpka Lake Talquin Plan. Who wrote the policy?”

Mr. Matheny “I don’t think there’s an answer to that or why it was done but when we do the Lake Talquin Plan we can fix it.”

Mrs. Pennington “At that point we need to clarify that these three parcels that have size specific policies under **Objective 1.14** – are they going to be subject only to this policy or are they going to be subject to this policy and the ones from Lake Talquin or are they going to be subject only to the Lake Talquin? You see, that’s a legal question and I don’t have that answer for you right now.”

Mr. Ganus “Also when we get to that – and you may want to look ahead before we get to it. It seems to me like the numbering system chosen for this Overlay and the one on the US 90 E Corridor duplicates the policy numbers that’s in the other elements. Could we number this a higher number so that – like he was just talking about – where he was and everybody was in the Housing Element instead of being in the overlay section. Just start out with a higher goal number because you have Goal # 1 in the main body of the Comp Plan and if you just start the numbering plan over you will be duplicating everything and it will be terribly confusing.”

Mrs. Pennington agreed that the numbering system can be changed in order to make it more clearly for everyone to understand.

In the Conservation Element Mrs. Pennington addressed **Policy 5.2.20**, page 6 that Mr. Allen had previously pointed out as being an oversight. She referred back to the table page 4, Future Land Use Element – **Objective 1.7** where DCA had recommended working towards identifying Environmentally Sensitive Lands and categorize wetlands within the County. She said staff had recommended changing **Policy 5.2.20**, by adding “Unmapped environmentally sensitive lands are required to be protected”. She also explained Con-5 Map as being wetlands map updated by using the most current available data, Con 6 map updated the flood zone areas using the best data and Con 11 map that shows the soil (inaudible) with steep slopes and was the map added as a result of a dispute on a mining case in 1993.

Dr. Arnold “So when we put that **Policy 5.2.20** together with what we say in the Comp Plan now about mining, this directly contradicts that but we can’t address tonight which will take precedence; I mean the mining issue that Ed brought up.”

Chair Sheffield “Actually this gives you a protection as to where mining can be.”

Dr. Arnold “Well, this doesn’t address mining. The paragraph on mining says ‘specifically’ that it can be in wetlands, slope forests, steep-heads, flood plains, etc. Basically it takes that shopping list of the environmentally protected lands and says ‘yes, you can put mines there’.”

Mr. Matheny “If, if they receive permission of all the State, Federal – the ‘If’ is a biggie so there is a lot they will have to go through to get permission to do that. Now the ironing out as I talked about earlier on all of the things we want to do under that -- there’s going to be some work that has to be done later, but for right now with that protection we put in there, they’ll have to get approval on all those levels. It sounds worse than it is. It sounds like you can just go out to the wetlands and start mining tomorrow, but it’s not like that. It says ‘or allow’, but, they’ll have to go through all of that, they’ll have to get all of those approvals on all of those wetlands to do it.”

Mr. Allen addressed Item C, page 4, Conservation Element and asked for additional language to be added. After a brief discussion it was the consensus of the Commission that the following language be added to the last sentence ---after analyses **ADD “including, but not limited to the Florida Aquifer Vulnerability Assessment (FAVA) recommendations.”**

Mr. Ganus addressed **Policy 5.9.1**, page 11, Conservation Element on ‘Energy Conservation Areas shown in **Map????**’ --- And asked what map.

Mrs. Pennington said the “Statute requires the County, the local government, to map the energy conservation features. We have prepared a draft where basically all of the lands acquired for conservation; lands that are being managed in recreation areas – that’s from the perspective of Natural Resources and we consider those to be natural energy efficiency features. We are also considering things like the transit service, the Gadsden Express. That’s an energy efficient service so we have tried to include in this map a series of things that we think could be considered in Gadsden County to save energy.” She also responded to Mr. Ganus that the map entitled Energy Conservation Map is the type of map they are referring to. She explained this is a very preliminary draft and some changes will be needed to make it (map) easier to understand.

Mr. Ganus raised questions on **Policy 3.9.1**, page 6, Housing Element – first sentence –County shall adopt – **CHANGE** Wording to read “**The County shall consider the adoption of an –**“ This change was agreed to at the P&Z Workshop on August 18. It was also agreed that at the 8/18 meeting the Commission’s consensus was to completely delete **Policy 3.9.3**, page 7, Housing Element. Both changes were also noted by staff/consultants on 8/18 and changes will be made.

Mr. Ganus inquired about **Policy 3.3.7**, page 4, Housing Element and Mrs. Pennington explained the recommendation in the EAR was that the policy be revised to be clear as the objective has caused some confusion with proposed development processes. She discussed the proposed changes to **Policy 3.3.7** but said she needs to further discuss this with Ms. Jegli to make certain exactly what the confusion is.

Mr. Ganus said one issue of concern to him regarding **Policy 3.3.7** is the language ‘allowing multi-family housing developments in most residential land use categories with infrastructure’. He said there is such a little bit of infrastructure to start with and if you have the infrastructure you will be able to do more than you could without it, and there are other sections of the Future Land Use Element that addresses all of that – providing infrastructure for more density.

Mrs. Pennington said the big issue is multi-family cannot be allowed everywhere because not all of the land use categories would allow that and you would be inconsistent with the land use category. She said this is why she really needs to sit down with Ms. Jegli, so that she can better understand what the confusion issues are.

Mr. Matheny said the word ‘most’ in the last sentence of **Policy 3.3.7** could be changed to “some” –

Mr. Ganus said it all depends on where the infrastructure appears when it starts coming – where is it going to be? It’s obviously going to be in more densely populated areas to provide an income for the provider; but to make a statement that it can appear in most residential land use categories is scary.

Mr. Ganus recommended changing the word most in the last sentence of **Policy 3.3.7** to “those” – making it specifically for the ones that have infrastructure.

There was additional discussion on **Policy 3.3.7** – change wording, restricting it to the Urban Service Areas, etc. and Mrs. Pennington again stated she would really like to discuss this with Ms. Jegli and the Planning Staff as a reference is made to **Subsection 4102 of the Land Development Code** and other policies. She said she would like to be able to read, them, discuss them with staff and be certain she fully understands all of the issues and confusion with this policy before making further recommendations. Mrs. Pennington also responded to Mr. Yerkes and explained when they (staff/consultants) come back to the P&Z Commission for the public hearing on October 16, this will be resolved. This issue, this policy will be resolved based on the concerns of the Commission.

Mr. Matheny added that if the Commission wants to make any other changes at the time of the public hearing, they can do so at that time.

Mr. Yerkes asked why, with everyone agreeing with what Mr. Ganus has brought up, with it being a key issue and with Mrs. Pennington even reacting to it being set up in the whole county – why not go ahead and make the change and put Mrs. Pennington’s suggestion in there and then when she comes back and all of it has been re-worked, the Commission will know the logic of the re-work was based on that. It was then agreed by the Commission that the language in **Policy 3.3.7**, page 2 of Table, last sentence be changed to read ---units in new developments, and allowing multi-family housing developments in “**Urban Service Areas (USA) categories with infrastructure**”---.

Chair Sheffield noted that this item (**Policy 3.3.7**) is to be reviewed/discussed again by the P&Z Commission with staff/consultants.

There was discussion on whether or not this would be creating urban sprawl and Mr. Matheny said No, as you would be in an Urban Service Area – within the borders of that specific area and creating higher densities, but it would not be considered sprawl – that is a separate issue.

Mr. Ganus said they see what could come with all of the Rural Residential areas throughout the County. A developer could go into one of those areas and build a major development, put in all of the infrastructure listed in this report and the developer would then be able to do whatever he wanted to. He would have created his own Urban Service Area way out in the boom docks, which makes no sense at all, and Mrs. Pennington responded they were talking about two different things; there is an Urban Service Area Land Use Category in the Comp Plan and there is the concept of urban service areas (for example) where the City of Quincy has its urban service area where they provide services, outside the City in the incorporated county and those may be part of the urban service area of the City of Quincy. Here, she said she thought they were talking about the Urban Service Land Use Category as in the Comp Plan – and the County has very small, very few such designated areas. She said it is her recommendation to drop “Rural Residential” altogether and leave it in the Urban Service Area. She said the Commission needs to keep in mind that if they have such a small amount of land designated as Urban Service Area and they want to have affordable housing in the County, two little pieces will not be enough for that – the County needs to have space for affordable housing as they need the jobs; need people to be able to live near where they work, etc. Mrs. Pennington explained if the County wants to bring jobs to the US 90 East Corridor area where the industrial uses are, and if they want to promote all of that they will need the ability to have some multi-family planning nearby. Mr. Ganus said “nearby” is the key word there and with the Future Land Use Map that they have, they need to be sure they want it nearby with infrastructure.

Mr. Yerkes said Midway is a gigantic sprawl and also the excellent place to have multi-family dwellings because anything that happens on Hwy 90 is going to be right there at Midway, there is infrastructure already there and it helps the City of Midway with taxes, ext. He said it appears to him that the encouragement should be on the municipality and the County working with the municipality to bring that up, to keep –

Mr. Matheny said they have that language built into the US 90 East Plan, and Mr. Ganus asked if the municipalities are buying into this, or has it even been discussed with them?

Mrs. Pennington explained they met with Midway and the language proposed in the US 90 East Corridor Plan came from that meeting. She said they have not gone back to the City of Midway with what they are proposing as they were waiting to hear from the P&Z Commission and if the Commission agrees with the proposal, they will then go back to Midway with it.

LET THE RECORD REFLECT A 10 MINUTE BREAK WAS TAKEN AT 7:20 PM. & THE MEETING RECONVENED AT 7:30 PM.

Let the Record also reflect Mr. Helms had to leave at this point in the meeting to attend a previously scheduled Church Activity.

Chair Sheffield called the meeting back to order and Mr. Yerkes asked about **Policy 3.10.1**, page 7, Housing Element, and recommended a ‘blanket’ change for all Policies in **Objective 3.10** as follows:

When it says ‘the County will’ -- **CHANGE** language to read “**The County will consider**”.

Mr. Justin Ford, County Engineer with Preble-Rish reviewed the Infrastructure Element with the Commission. The proposed draft came about as a result of a meeting with and recommendations from the Water Management District.

There was discussion on **New Policy 4.5.8**, Table page 2, Infrastructure Element as to the number of feet that should be required for -- all new subdivisions located within XX feet of an environmentally sensitive land where central sewer services are not available be required to provide high performance on-site treatment and disposal systems ---

Mr. Allen said 200 feet was the distance used in the Wetumpka-Lake Talquin Plan and Mr. Ford asked if that is the figure they would want to go with for the County. He said he wanted to get the Commission's input.

Mr. Yerkes said in **Policy 4.5.8** ---all new subdivisions located ---is open to wide, varying definition as to what it means by located. What boundary of the subdivision is it? The Whole subdivision, part of it – and Mr. Allen said in the Lake Talquin Plan they used the language anything within 200 feet of Lake Talquin and its tributaries shall use AWTs.

Mr. Ford explained he thought what Mr. Yerkes was referring to is if it was a 200 acre subdivision and there were two acres over in one corner, would the whole subdivision have to conform to this because the subdivision is located within 200 feet – or would just the units/lots within the 200 feet have to conform to this.

Mr. Yerkes said that was correct and he said it's not only when putting in a new subdivision, but also where homes have been built on lots and they have had to put in a new drainage field and they don't have room for it, so every lot should have an alternate location for a drainage field. He said they could run into all types of these problems and if the footage is narrowed down too much that could cause a problem and if on a slope (where the slope heads down towards a lake) it's not just the tributaries but also the wetlands, and the standard for a septic system is 100 feet from the wetland's delineation boundary and when you say close to the wetlands, etc., you have to talk about a certified wetland's delineation boundary which can be way up from where there may be any wetness, etc.

Mr. Matheny said that is what they will consider in the Policy – it will be the delineation boundary.

Mr. Ford gave example – if you had an existing lot with no unit and they come in now and there is a wetland within 200 feet of it, would that unit be required to put in a high performance septic – he suggested saying “all new septic systems located within XX distance (200 feet or whatever it may be) shall be required to be a high performance” –

After additional discussion, it was agreed it shouldn't be just new subdivisions. It should also be any properties in either residential or commercial development.

Mr. Ford then suggested saying “All new septic systems located within ---“.

Chair Sheffield suggested striking the word “subdivision” and inserting “septic systems”---

Mrs. Pennington said in addressing the initial question on the number of feet to be required, that she had reviewed the well-head protection and it had within 200 feet of any property boundary line and they could choose that language. Mr. Ford said that still would not affect existing subdivisions that may have vacant lots (possibly been there for 10 years and never developed) and someone comes in – but he explained that new septic systems would affect it. Mr. Matheny said they could use a combination and say any property boundary line and any new septic system.

Mr. Ganus said if someone had enough land they could move the septic system more than 200 feet away and get away with it, but if property boundary line is used, they would be locked in and anybody on that property would have to put in advanced septic system.;

Mr. Ford said a High Performance On Site Treatment and Disposal System – that’s just a technical word for a septic system – it’s not referring to a package plant—engineers call that an OSTDS.

Chair Sheffield asked Mr. Ford what “enhanced to deliver” secondary levels of treatment meant and he said it basically further treats the effluent more than a standard septic system would – it’s a high performance septic system is all it is.

Mr. Allen asked was not that the same as an AWT (advanced water treatment system) -- an advanced water septic tank and Mr. Ford said the secondary treatments for septic are referred to as high performance. Mr. Allen responded not all of them, as some are referred to high performance and some are referred to as AWTs – there is a difference.

Mr. Yerkes said there are systems being put in down in Wakulla County and also in Key West that are different from the typical septic systems being put in today. The system as used in Wakulla is built somewhat different; it has components that the effluent that comes out of – can’t drink it – but can run into through tubes directly onto shrubbery, etc. and could go almost directly into the aquifer – these units are for homes, are a little more expensive and have been installed for years in the mountains, in Wakulla County, in Key West, etc. and Mr. Ford said that is what he is talking about; an advanced wastewater treatment facility provides secondary treatment levels and the high performance septic system does the same thing.

Mr. Allen said as he understands it, and he asked to be corrected if wrong, is that where high performance comes in it’s like twice as much as the AWTs. Mr. Ford said he has never heard of a septic system referred to as an advanced water treatment and he would have to check into that further.

Mr. Yerkes explained he would be personally satisfied if Mr. Ford could work it out so that what is actually being addressed here is a practical system for a house, and Mr. Ford said that is exactly what this is -- a high performance OSTDS – it’s for a residence and they put them in all the time.

After additional discussion, it was then the consensus of the Commission that language in the first sentence of **New Policy 4.5.8**, page 2, Infrastructure Element be changed as follows:

DELETE ‘subdivisions’ – and then **Add** “**newly established Septic Systems**” located within “**200**” feet of an ---

In response to Mr. Ford on what actually defines new system – if replacing the tank is it considered a new system; if the drain field is replaced is it considered a new system? Mr. Matheny will follow up on replacement systems -- what would constitute saying ‘new’ and all of that will have to be determined after further study and will have to be tweaked later.

Mr. Ford went over the proposed revisions page 4 of Table, Infrastructure Element all of which were recommendations of the NFWFMD. He also responded to questions concerning **Policy 4.5.2** on page 4 of the table concerning the deletion of language -- within 24 months providing there is sufficient permitted capacity – and said that was a direct recommendation from NFWFMD for any new development -- that they must connect to such system within ¼ mile of an existing central sanitary sewer system. He said NFWFMD feels they should connect immediately – don’t give them 24 months. Mr. Ford said all of the recommendations from the table on page 4 were direct results of meetings with NFWFMD and at their request; the recommendations were added in this proposed draft.

Mr. Ganus raised questions on **Policy 4.1.2**, page 1, Infrastructure Element and said that statement places the burden completely on the people that will be buying houses, etc. because the developer usually passes those fees along.

Mr. Ford explained the County doesn’t own or operate any water and sewer so the impact fees for that would be negligible policy because there are no utilities to be impacted. Basically, the language was added to appease the EAR because the EAR had said the County needed to look at the impact fees. He also said it would be difficult for the County to get grant money for sewer infrastructure when there is no sewer infrastructure, unless the County is starting a new system somewhere.

The consensus of the Commission was to add language to **Policy 4.1.2**, page 1, Infrastructure Element as: After including – **ADD “State or Federal Grant money”**, but not limited to ---

Mr. Ganus referred to **Policy 4.8.3**, page 6, Infrastructure Element and said it needs to be updated because the date shown is 2005. It was the consensus of the Commission that the date of 2005 as referenced above be **CHANGED** to reflect **2012** in **Policy 4.8.3**.

Mrs. Pennington reviewed the Recreation and Open Space Element, and Mr. Yerkes referred to **Policy 6.4.2**, Table page 2, and asked Mrs. Pennington if the County was going to be able to review and amend the Land Development Code (Berms/buffer standards) by 2012 as stated in the Policy.

Mrs. Pennington “Well, you know, we put 2012 in all the ones that were far behind, so --”

Mr. Yerkes “OK, so that’s just what you did, the ones that were behind.”

Mr. Matheny “It’s an optimistic goal. You know, by the time this process comes back we’ll have a little less than two years to do these things. Now, some of them obviously aren’t going to be done; they’re going to stretch a little further, but we’re trying to give them a goal – if we go too far out, it’s going to be the same result of us using ‘should’ and they’ll say ‘well you’re talking about 2018’. So, you’ve gotta give benchmarks that are kind of reasonable.”

Mr. Yerkes said the reason he was asking was to see if there has been a problem with what is in the Land Development Code on buffers, etc., when going through all their reviews and Mr. Ganus said he thought it was more of a problem with compliance than it is with what’s in the Code. The Code is pretty good but it’s getting people to comply and then following up to make certain compliance has been done. Mr. Yerkes said that was back to what he brought up at the meeting on August 18th – Code Enforcement.

Mrs. Pennington said the EAR recommended in **Objective 6.4**, Table page 2, Recreation and Open Space Element that proper landscaping buffers should be created and implemented into the LDC and both Mr. Yerkes and Mr. Ganus stated they have them in there.

Mr. Matheny “We have some; we have buffers, we have buffering requirements but I guess when they were going through the recommendations here they thought maybe they weren’t stringent enough or maybe needed to be modified or amended. That’s kind of an open, all inclusive category. It’s just for us to look at what we have and see if we need to amend anything – that’s all it is.”

Mr. Yerkes “Is it possible they’re saying we’re too strict?”

Mr. Matheny “No, I didn’t read it that way, but you know –“

Mrs. Pennington said sometime their recommendations were only one sentence, and not having been at those workshop meetings, it is hard to know exactly what they meant.

Mr. Allen raised questions with the language in **Policy 6.1.7**, Page 2, Recreation and Open Space Element. He said there are a lot of (at least 45-50) 50 ft right-of-ways in the Lake Talquin area – nothing you can do with 50 feet – no one is paying taxes on these – some years ago the County was considering selling those to the property owners on each side of the right-of-ways. He asked if this is possibly something they may want to approach – maybe selling 25 feet to property owner on one side and 25 feet to the property owner on the other side. He said he would think the property taxes generated from that would be of some benefit to the County.

Mr. Matheny said he didn’t think the spirit of this was revenue enhancement as much as access. If you give away or abandon a right-of-way or an easement, you need another exchange for access or location. He said there are more important locations the County may want to access.

Mr. Ganus brought up instances in the past where right-of-ways had been abandoned – simply was not/had not ever been used, no plans to use it – simply abandoned just to get rid of it. He said in those cases, there was no need for any in-kind exchange because it was just a matter of the County not planning on ever using it.

Chair Sheffield said the issue on access points to the Lake keeps coming back ever so often in one form or the other – there are some property owners that want the County to abandon them because they aren't very usable but people try to use them to back up their boats and there's no way to turn around so they end up doing their turn around on private property in order to get back out, and that is an issue that keeps coming back up. Then you have some people that don't want their access points taken away, and you also have people paying property taxes on them and want them abandoned.

Mr. Yerkes briefly discussed a prior incident involving this type of abandonment and what a real “mess” it was and he then referred to language in “C”, **Policy 6.1.7**, page 2, Recreation and Open Space Element -- and stated “That Ain't Going to Happen-- the property owners won't allow it.”

After further discussion it was the consensus of the Commission to change the language in “C” as follows: after the word ‘without’ **ADD “consideration of”**--- an in-kind exchange for access at another location--- **ADD “on a case by case basis”**.

Mr. Ganus brought up **Policy 7.1.16**, page 4, Intergovernmental Coordination Element and it was the consensus of the Commission that wording be changed to reflect:

Planning Commission shall DELETE ‘shall hold semiannual ‘---**ADD “shall consider holding annual”** meetings with the Planning ---

Mr. Ganus referred to page 3, Intergovernmental Coordination Element, **Policy 7.1.10** concerning what the policy was and if, in fact, it was deleted by the County. The draft does not have any text for this policy number and Mrs. Pennington said that is why she needs to confirm with Jill if it was deleted, and if so when, and what it was.

Mr. Ganus said **Policy 7.1.10** is shown in the old policy and reads “The County shall coordinate with the locally established human and social service agencies for the delivery of such services in the Unincorporated areas.

Mr. Matheny is to follow up on the status of **Policy 7.1.10** and will report back to Commission. He also reminded everyone that the September 16th Regularly Schedule P&Z Meeting has been changed to September 23rd. He said there will be a church approval for consideration and a building project he and Jill are working on and then there will be the Transportation and Capital Improvement Elements to review. Mrs. Pennington said the Capital Improvement Elements has very few minor changes, but Transportation has a lot more changes, including everything that makes transportation more efficient in allowing people options in how to get from point A to point B.

Mr. Ganus said the Commission members don't have that information and Mr. Matheny said they will get it out to them as soon as possible.

Mr. Matheny said they will then have the Wetumpka-Lake Talquin Overlay Plan and the US 90 East Corridor Overlay Plan for review. He also said the 27th of September will be available if they need to continue the meeting from the 23rd for any reason.

There was confusion and considerable discussion on the meeting scheduled for the September 23rd – regular scheduled public meeting which will also incorporate or finish the workshop.

Mr. Allen “But there will be public input on the 23rd on the EAR Amendments, is that correct?
Mr. Matheny “Well, ya’ll can allow people to get up on the workshop part and speak, if you so choose, but ‘No,’ it’s not the official public hearing on the amendments and on the area plans. That comes in October.”

Mrs. Pennington “On the 23rd we are not going back to these elements. You will see these elements revised on October 14th, and I will be waiting in the next two weeks for any suggestions, anything on these elements.”

Mr. Matheny “That’s why I wanted to go over this because it does get confusing. We are having our regular monthly meeting on the 23rd – our regular monthly meeting and we’re finishing up the workshop stuff, but that’s our regular –considered a public hearing – it’s a regular meeting.”

The regular September 23rd monthly meeting will adjourn once the agendaed items are completed and the Commission will then re-convene (immediately following the pubic hearing) for a workshop meeting, and the Commission can decide whether or not to allow public input at that time on the EAR amendments or the Overlay Plans.

After additional discussion, it was the consensus of the Commission that an additional Workshop Meeting be tentatively scheduled for Monday, September 20th. Mr. Matheny is to get with Mrs. Pennington and Chair Sheffield over next couple of days to firm up a meeting (preferably 9/20) date and the Commission members will be notified.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION AT THIS TIME, THE MEETING WAS ADJOURNED AT 8:40 PM

DIANE SHEFFIELD, CHAIR

Jean Chesser, Deputy Clerk