

**GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS PLANNING
COMMISSION MEETING
PUBLIC HEARING
MINUTES**

Thursday, March 13, 2014

6:00 p.m.

Board of County Commissioners Meeting Room
7 East Jefferson Street
Quincy, Florida

Present: Commissioner Regina Davis, At - Large Member, Chair
Commissioner Edward Allen, Vice – Chair
Commissioner Dr. Gail Bridges – Bright
Commissioner Diane Sheffield
Commissioner Larry Ganus
Commissioner Mari VanLandingham (absent)
Commissioner David Tranchand
Commissioner Frank Rowan (absent)
Commissioner William Chukes
Commissioner Edward J. Dixon
Commissioner Catherine Robinson (absent)
Commissioner Isaac Simmons, School Board Representative (absent)
Allara Gutcher, Planning & Community Development Director
Willie Brown, Principal Planner
Beryl H. Wood, Deputy Clerk

1. PLEDGE OF ALLEGIANCE

Chair Davis called the meeting to order at 6:00 p.m. with a quorum and led in the Pledge of Allegiance to the U.S. flag.

2. INTRODUCTION OF MEMBERS/ROLL CALL

Each member present stated his or her name and district for the record.

3. APPROVAL OF MINUTES – February 6, 2014 (workshop)

UPON MOTION BY COMMISSIONER GANUS AND SECOND BY COMMISSIONER ALLEN, THE COMMISSION VOTED 8 -0, BY VOICE VOTE, FOR APPROVAL OF THE FEBRUARY 6, 2014 MINUTES WITH THE NECESSARY CORRECTIONS WHICH WERE READ INTO THE RECORD.

4. DISCLOSURES AND DECLARATIONS OF CONFLICT - None

5. Amendment to Agenda – Addition of Minutes (November 14, 2013)

Commissioner Tranchand raised a concern with the minutes never being approved from November 14, 2013. He said he was of the opinion the minutes should have been reviewed before the item was placed on the BOCC Agenda.

Deputy Clerk Wood said he was correct the minutes had not been approved.

Mrs. Gutchner said that she would get with Willie, since he was the one that prepared the packets for review.

Note: The Planning Commission had not met to approve them prior; this was their first official meeting of 2014. Last month, February 6, 2014 Workshop was their first time meeting since the November 14, 2013 Meeting and voting couldn't take place.

GENERAL BUSINESS

6. PUBLIC HEARING: Housing Element (CPA-2014-01) – An amendment to the Goals, Objectives and Policies of the Housing Element of the Comprehensive Plan.

Commissioner Sheffield inquired about the EAR Amendments. She asked did they not do the housing element already.

Mrs. Gutchner commented on this public hearing, Housing Element was an update. She gave history that in 2012, the Comprehensive Plan was presented to the Planning Commission as a required update based on the adopted Evaluation and Appraisal Report (EAR) and statutory time limitations to adopt an EAR – based amendment as a result of the findings of the EAR. After public hearing by the Planning Commission, the Plan was then never forwarded to the BOCC for public hearing and transmittal to the Department of Economic Opportunity for review. This step is required in the adoption process of the Plan.

As state statutes include limitations on how much time can pass between the adoption of the EAR and EAR – based amendments, the County is now at a point where no further amendment can be made to the Comprehensive Plan until such time as an effort has been made to adopt the EAR – based amendments. The sanction includes map amendments to the Future Land Use Map. This sanction was placed on Gadsden County in May of 2013.

She said staff recommends option 1: recommend to the Board of County Commissioners that the amendment is consistent with the Comprehensive Plan and adopt the amendments as presented.

She stated that the Data Analysis is not adopted, it is for their reference and it's to support the policies that are in the comprehensive plan. It will go forward to the Department of Economic Opportunity (DEO) as a requirement. She explained that's why they are seeing it with these changes to the housing element. The plan is to submit the whole Comprehensive Plan to BOCC within the next month or two after the rest of the data analysis is complete for additional elements.

Commissioner Allen questioned her statement that there was no data analysis. He said it was his belief that Preble-Rish was contracted to do data analysis.

Mrs. Gutcher responded there was no data analysis by Kimley-Horn & Associates.

Commissioner Allen said that was correct but it was his belief that Preble – Rish was paid monies before they became the consultants to accomplish this.

Mrs. Gutcher said she was not showing that they did, but if they did it was now 4 -5 years old.

Mr. Ganus said he would like to take the Housing Element and go through each section in chronological order for ease.

Housing Element

Introduction:

Chair Davis asked was there any objection with the Introduction language being removed.

Commissioner Ganus said in the old introduction that was struck it had a section on it that was on the data analysis, which explained that the data analysis for the housing element is not a part of the adopted Comprehensive Plan, but served as a basis for formulation of required goals etc. In the State law 163.31771b it says a local government may include as part of its adoptive plan documents adopted by reference, but not incorporated verbatim into the plan. "I think the introduction should be left in the housing element, just to make sure everybody understands we got data and analysis that's not actually apart of the Comp Plan but is include by reference, update the dates and whatever needs to be cleaned up."

Commissioner Dr. Bridges –Bright inquired that the data that was used was not necessarily the data that was referenced in this introduction.

Mrs. Gutcher said the data they presented today is updated with current information. "Generally data analysis is prepared as support to the policy; it is not recommended to be

adopted into the Comp Plan because it changes, it's so fluid." Any time you update the Plan you are suppose to update the data and analysis.

Commissioner Dr. Bridges – Bright asked would it be appropriate to reference if it's not adopted.

Mrs. Gutcher responded you can reference it; it's something that's required.

Commissioner Ganus commented one reason he was questioning was part of the previous Comp Plan, policy 3.1.5-7 referred to the income levels of persons is included in the Data Analysis, so that would be invisible to anybody looking at our Comp Plan. He said he didn't know if that should have been included originally in the Comp Plan, because there are definitions given by State Law.

Mrs. Gutcher replied that information was still inside of this element. "It is now referencing the statutory definitions rather than listing those definitions in policy. This way, if the statutory definitions change, the policy does not need to be amended."

Commissioner Allen clarified on Mr. Ganus comment to leave the introduction in and place to the side references.

Commissioner Ganus responded yes or you can quote state law.

UPON MOTION BY COMMISSIONER GANUS AND SECOND BY COMMISSIONER TRANCHAND, THE COMMISSION VOTED 8 – 0, BY VOICE VOTE, TO LEAVE IN AND CLEAN UP THE DATES AND THE REFERENCES.

Commissioner Ganus referenced in 3A: Policy 3.1.2, the terminology that was adopted by resolution 2008-078, should that not be an ordinance.

Mrs. Gutcher said it was adopted by resolution and explained she is not sure why they chose to adopt by resolution instead of ordinance.

Commissioner Dixon explained while a resolution does not make it law it says that it is the will of the Board.

Marion Lasley, 5 Dante Court, asked about definitions which were submitted to the Clerk. (*Affordable housing, workforce housing, ADU – accessory dwelling unit, central utility system*)

(s), density bonuses, transfer of development rights, farm housing, clustering, infill/infill development, modular homes vs. mobile homes, multi-family development .)

She said it seemed to her that this document just deals with a list of those things in sub standard affordable housing, mobile homes, modular homes; it doesn't really say anything about site built homes and she was wondering would neighborhoods have protections. I would like to see because of the data analysis that we don't need anymore single family homes, why does this document just deal with low and moderate low income households such as group homes and foster care households with special needs. What happens to all the other housing that's in the County and do we need to have something in the Comp Plan that gives them some type of protection or guidelines?

She questioned policy 3.1.3 with workforce housing, can it be permitted in residential areas which are served by supportive infrastructure and she would like it defined as to central water and central sewer. Farm working housing she mentioned she would also like a definition. She also mentioned the ADU's accessory dwelling unit, and asked where they allowed by right regardless of the allowable density. It suggested that the central utility system be added to the definitions so it could define clearly.

Commissioner Sheffield clarified anywhere that says infrastructure define it as central water, central sewer.

She responded it needs to be defined or it will be abused and this is the place to put it in her opinion.

She commented on section 3.1.8: It speaks of the ADU. It says that these can be located in an Urban Service Area or Rural Residential Future Land Use Category. The majority of our rural residential land use categories are all on well and septic tanks. "I think there is a problem stating that Rural Residential Future Lands Use can have these allowable densities in there, because the implication is that there is central water and central sewer and there is not in our county."

Commissioner Sheffield stated that ADU's shall be allowable by right. "I went over and looked at the statute that corresponds with that and I didn't see anywhere in that statute that said ADU's shall be allowed by right." She said she did not see those words. "I do have a concern with anyone being able to put an additional dwelling on their property. In some neighborhoods where there is acreage there might not be a problem, but in some neighborhoods where you have ½ acre lots it is a problem."

Mrs. Gutcher clarified that is why there is central utility system, so if you are on well and septic you couldn't add an accessory dwelling. For example, an accessory dwelling is a mother law suite, something that is secondary to the primary resident.

Commissioner Sheffield said if a neighborhood has deed restrictions that allow one dwelling per lot would this supersede a neighborhood deeds.

Mrs. Gutcher replied that they don't monitor deeds restrictions or home owners associations.

Commissioner Sheffield said she would like to see in the statue where an ADU shall be allowable by right. "Here is where it becomes a problem, say you build a small house on your property for an ailing mother-in-law where then she is gone, and then it becomes a rental property."

Mrs. Gutcher responded it would still be an accessory dwelling unit.

Commissioner Sheffield said it was her opinion that for communities that don't allow accessory dwelling units, it creates a problem.

Mrs. Gutcher said they don't have authority over homeowners associations.

Mr. Dixon noted two things one the definition of central water and central sewer. "I don't have a problem with accessory dwelling units; I don't think that should be used as the deciding factor. First of all, outside the city limits in any town in Gadsden County is no sewer, so basically you are saying it's not allowable anywhere in Gadsden County. I am not in support of subdivision with ½ acre lots and ¼ acre, but where it is allowable if we use that definition you take all those areas away from families. If we use the definition you have put forth it makes accessory dwelling not possible."

Mrs. Gutcher recalled the reason being is rural residential allows for 1 acre lot and if you have 1 acre lots and you are on central water and sewer then there is not a problem with septic and wells. If you are not on central water and sewer and you are on a 1 acre lot then you would have to try to place 2 septic tanks and 2 wells for 2 dwelling units.

Commissioner Dixon commented perhaps they should change from rural residential 1:1 to some other standard that might allow, but to say central water and central sewer is basically saying it's not possible anywhere in the county under any land use designation. He clarified the use of sewer should not be the determining factor such as acreage or not in platted subdivisions.

Commissioner Tranchand mentioned mother-in-law apartments, and asked would this prevent them from placing an addition on a house.

Mrs. Gutcher said it refers to separate living quarters that would include a bathroom and a kitchen facility. This is what is considered another dwelling unit.

Chair Davis asked what was the will of the Commission.

Commissioner Sheffield asked do they use the minimum acreage or do we use the words not in a platted subdivision.

Commissioner Ganus asked were they doing away with central utility system.

Commissioner Dr. Bridges-Bright answered it was her opinion to do away with it.

Commissioner Dixon commented he was hesitating to say platted because there are platted subdivisions with very large acreage.

Mrs. Gutcher asked are they still considering limiting to only those in rural residential or do you want to open it to Ag?

Commissioner Ganus questioned the allowable by right that is what bother him the most and asked could it be struck.

Mrs. Gutcher reminded the Commission the language isn't verbatim from the statute it's implementing the requirements of the statute.

She pointed out the by right designation is because if they have a rural residential parcel that's 1 acre by right you can't have another unit because that's the maximum density in rural residential. She gave an example, "say I have an acre and I'm in rural residential and I have one home on my lot and would like to create a separate living quarter such as an apartment, they can't do that today, because they would exceed the density limitation or rural residential which is one dwelling unit per acre."

Mr. Dixon commented if they approve the language you have before them minus the infrastructure, you still could not set an accessory dwelling unit in a rural residential 1:1.

Mrs. Gutcher replied you could with this language.

Commissioner Dixon asked what circumstances accessory dwelling unit would be allowed.

Mrs. Gutcher said normally accessory dwelling is for a college student or elderly person.

Commissioner Sheffield still opposed due to the properties becoming rentals when the person of intent is gone. She said her opposition was putting something in place that would be a problem down the road.

This item was tentatively postponed 3A Policy 3.1.8 ADU's with lots 2 or more acres in rural residential/urban service area.

UPON MOTION BY COMMISSIONER GANUS AND SECOND BY COMMISSIONER DIXON, THE COMMISSION VOTED 7 – 1, BY VOICE VOTE, FOR APPROVAL OF 2 ACRES MINIMUM WITH RURAL RESIDENTIAL/URBAN SERVICE AREA AND THE CENTRAL UTILITY SEWER SYSTEM COMES OUT.(Commissioner Sheffield opposed the motion.)

Commissioner Sheffield commented on **Policy 3.1.7: A mixture of housing types shall be allowed, including single-family detached, multi-family, and accessory dwelling units, within a**

variety of price ranges to provide a range of housing option for county residents. She asked did that mean anywhere in the county you are required to have all price ranges of houses.

Mrs. Gutcher responded no.

Commissioner Ganus asked what land use category would that be allowed in.

Commissioner Sheffield gave for example a new developer comes in and he is going to develop a large piece of land as long as you're not going to tell him that he has to allow some multi-family and has to allow 800 sq ft housing, if his intention was to 5,000 sq. ft housing as long as we are not limiting.

Mrs. Gutcher said with the wording shall, we have to allow these type structures. You can't just allow single family and you can't just allow mobile homes, you have to allow a variety of structures.

Commissioner Ganus commented on objective 3.2: He asked what type of incentivizes are they talking about.

Mrs. Gutcher said you can abate impact fees; you can fast track development for affordable housing and density incentives that would have to be developed.

Commissioner Ganus asked on density incentives, is it in the Land Development Code and who would make the decision on the incentivizes.

Mrs. Gutcher replied anytime you adopt something into the Land Development Code it has to come before this Commission.

He asked what happens if it's not in the Land Development Code.

Mrs. Gutcher responded we can't implement something that's not in the Plan or the Code.

Marion Lasley commented it was her understanding that objective 3.2 and all of the policies that fall underneath it are only related to workforce housing. Page 3 on policy 3.2.4 **density bonuses** and policy 3.25 **transfer development rights** need definitions for both. She said she was in support of policy 3.2.7A, would like to see more regulation with that type of language, making it specific. She said more definitions were needed so they can decide whether they are acceptable or not. She also included infill/infill development as another word needing a definition.

Consensus: Need definitions

Mrs. Gutcher stated definitions were in the FL Statute as related to affordable housing and they are in the Land Development Code.

Mrs. Gutcher said the Code implements the Plan.

Mrs. Sheffield asked that definitions be added:

Goal 3B: Promote the Elimination of Substandard Housing Stock

Commissioner Sheffield commented on policy 3.3.7: What is public action?

Mrs. Gutcher said if they condemn the property. It's government (public interest).

Commissioner Ganus commented on policy 3.3.12 deals with recreational vehicles not being allowed as permanent residential dwelling units. "In the Land Development Code in section 5104 (b) 16 it gives them 6 months in a RV Park in this provision here it only gives them 3 months. I think 6 months is probably more realistic." He said it includes RV parks.

Mrs. Gutcher said in 5104 it speaks of recreational vehicles not being permitted as a residential unit in any land use category and it wouldn't apply to RV parks. "You can't use one as a permanent dwelling unit."

Commissioner Ganus referenced policy 3.3.13, mobile home parks. He said his concern was he knew the definitions had changed over time from mobile homes and modular homes, this definition is the in the Land Development Code 5106(b) (c). He asked would there be any modification to the Land Development Code as result of this particular section being revised and the mobile home part of it being struck. He said it's currently in the Land Development Code, but is it going to stay there. He asked if it was reflected in Florida Administrative Code that which was written.

Mrs. Gutcher said it is her opinion that definitions that are in the Land Development Code need to reflect the Comprehensive Plan, because the Comprehensive Plan reflects the statute and it refers to the Florida Administrative Code. Mobile home parks are allowed in commercial and urban service area. Gadsden County is not allowing mobile homes that were constructed before 1976. Manufactured homes can be brought in. She said you can add to the Code by making requirements more stringent.

Marion Lasley commented on policy 3.3.13, were the language was struck that it is verified that occurs in the Land Development Code, if it is taken out of the Comprehensive Plan. She asked that manufactured, modular, and mobile home definitions be added. She also added that a list of definitions be available for both the Planning and BOCC for simplicity in their discussions.

Mrs. Gutcher stated once the update the Comprehensive Plan they will be looking at the Code for consistency. She said the definitions were defined in 3.3.13 that in 12D-6.001 Florida Administrative Code.

Objective 3.4 – None

Commissioner Allen discussed policy 3.4.1, he asked who determines that?

Mrs. Gutcher said the building official determines hazardous building living conditions or structures.

Chair Davis asked if there were comments or questions on Goal 3C and the response was none.

Commissioner Ganus said he had a question on Goal 3D-Policy 3.6.1 he asked what was the correlation between this policy and policy 3.5.2.

Mrs. Gutcher said he was correct it didn't correlate and was probably referring to policy 3.6.2.

He then pointed out in policy 3.6.2 (second one) on the distances between the homes is currently 1200ft in the Comp Plan. He said he would like to recommend something greater than that number such as 1320ft or 2640ft.

Commissioner Sheffield said there were two different radius listed.

Mrs. Gutcher said that is language from the statute is listed in the first one and its local discretion in the second one.

Commissioner Sheffield also pointed out there is two policies 3.6.2.

Mrs. Gutcher said it should be changed to reflect 3.6.3.

Commissioner Ganus recommend that they increase the radius at least to 1320ft.

Commissioner Dixon disagreed with Commissioner Ganus statement, because group homes are hard to site and was not in favor of added limitations. He spoke in support of group homes.

Consensus to keep current language of 1200ft. Commissioner Ganus opposed. There was no official motion taken.

Commissioner Sheffield asked why group homes don't have to notify local government.

Mrs. Gutcher said this language is implementing statutory requirements. They still have to have licensing from state agency, but they can be placed anywhere that has multi-family development.

Marion Lasley asked what the definition of multi- family development is.

Mrs. Gutcher said anything that is not single family.

Commissioner Sheffield questioned policy 3.6.1 to allow group homes and single family or multi family, but then 3.6.2 allows it in multi-family developments. She said there were two different things there.

Mrs. Gutcher replied the statues say single family or multi-family.

Commissioner Ganus commented he felt it referred to the notification process they have to do.

Mrs. Gutcher referenced Florida Statue 419.001 (Site Selection of Community Residential Homes Part 2, which she read.) She they had to have what the statute states.

Commissioner Sheffield voiced that she would like to see the wording sponsoring agency added as a protection for existing communities.

Chair Davis pointed it states in policy 3.4.61 provided that policy 3.6.2 is met.

Mrs. Lasley commented on policy 3.4.6.3 the last line in that section, what does subject to the agency request mean. She referenced it didn't make sense to her and would like it rewritten.

Mrs. Gutcher said it refers to the agency requesting the home. It's the licensing agency, the organization that's coming in and requesting the group home.

Goal 3D: should be Goal 3E: None

Marion Lasley commented in policy 3.7.1 there is the transfer of development rights, and designation of historically significant sites. She asked for definitions. In policy 3.8.3: Staff shall supply educational materials on home energy reduction strategies. She also commented she would like to add the strategy of trash/recycling/burning regulations or some sort of promotions.

Chair Davis asked would the Housing Element Attachment be included.

Mrs. Gutcher responded no it would not.

Commissioner Ganus referenced on Pg7 of 23 of Housing Element Attachments 5-2: the word *hearing* should be *heating*.

Mrs. Gutcher said although they are great programs, but not in housing element.

Goal 3E should be changed to 3F: None

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DR. BRIDGES – BRIGHT, THE COMMISSION VOTED 8 – 0, BY VOICE VOTE, FOR APPROVAL OF THE HOUSING ELEMENT AS AMENDED ABOVE.

7. PUBLIC HEARING: Subsection 5002(B) of the Land Development Code; Non-conforming Structures and Uses (LDC-2014-01) – Amending the Land Development Code development standards regarding non-conforming structures and uses

Chair Davis disclosed that after looking at the agenda, the consensus of the Commission is that they table the Public Hearing: Subsection 5002(B) of the Land Development Code; Non-conforming Structures and Uses (LDC-2014-01) until after the March 20 Joint Meeting.

UPON MOTION BY COMMISSIONER TRANCHAND AND SECOND BY COMMISSIONER BRIDGES-BRIGHT, THE COMMISSION VOTED, BY VOICE VOTE, TO POSTPONE SUBSECTION 5002(B) OF THE LAND DEVELOPMENT CODE; NON-CONFORMING STRUCTURES AND USES (LDC-2014-01) TO THE APRIL MEETING.

8. PUBLIC COMMENTS

Commissioner Sheffield asked where the Housing Element goes from this point and would they see it again.

Mrs. Gutcher responded the Planning Commission would not see it again. After you make a recommendation to BOCC they decide whether are not to transmit to Department of Economic Opportunity (DEO). She said it would be transmitted with recommendations, DEO would send back with ORC Report that would make objections or comments, then they would address those and once completed BOCC adopts document.

Commissioner Sheffield asked when it would go the County.

Mrs. Gutcher responded when the other Data Analysis is completed on the other Elements. She said it would go the Board in the next month or two as one whole package.

Commissioner Allen commented on the agenda report where it referenced the Housing Element that it stated in 2012 the Comprehensive Plan was presented to the Planning Commission. He argued it was presented to the Planning Commission in 2009 and in 2012 they gave the ok for it to proceed to BOCC and it never went to the Board. He pointed out there was a hold up somewhere. "It was discovered that although several text amendments were introduced to the Planning Commission previously, no data analysis was completed. Preble-Rish had completed data analysis at that time to correspond with the updated changes. In addition the statutory requirements were met in a proposed plan and we were told at the time we didn't have to do the plan, because it was no longer required on the EAR Amendments. In the letter from DEO it states they were told to follow through with it, but they were told they didn't have to follow through with it."

Mrs. Gutcher said she had the minutes from February 2012 where they went through the Housing Elements and made final changes. She didn't believe that was true, that they didn't have to do the EAR Amendments. She said she included the letter from DEO from June 26, 2013 in packets that was provided to the Commission that states it was the notification of prohibition on adoption of plan amendments for failure to submit proposed evaluation and appraisal amendments.

Commissioner Ganus said he recalled they were told they didn't have to do the EAR Amendments. Once the County committed to doing them they had a year from then to complete and get it to DEO and that's what happened it didn't make it.

Commissioner Tranchand asked was he the only one concerned that they wouldn't see the redraft of the proposed Housing Element with changes brought forth at tonight's meeting.

Commissioner Sheffield pointed out they are used to seeing it again to make sure they have everything they wanted.

Commissioner Tranchand said it wasn't a trust issue; it's a fiduciary issue, something that they are supposed to do and we need to review the final result before it goes to BOCC.

Commissioner Sheffield suggested the final copy be brought back to the next meeting for approval.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ALLEN, THE COMMISSION VOTED 8 – 0, BY VOICE VOTE, DIRECTING THE STAFF TO BRING THE FINAL COPY OF HOUSING ELEMENT BACK BEFORE PLANNING COMMISSION FOR APPROVAL AT THE NEXT MEETING.

9. DIRECTOR’S COMMENTS

Joint Workshop with BOCC scheduled for March 20, 2014 at 6:00 p.m.

10. ADJOURNMENT

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR
DECLARED THE MEETING ADJOURNED AT 7:45 P.M.**

GADSDEN COUNTY, FLORIDA

REGINA DAVIS, PC CHAIR

ATTEST:

**BERYL H. WOOD, DEPUTY CLERK
For NICHOLAS THOMAS, CLERK
Gadsden County, Florida**