



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

Thursday, April 09, 2015

06:00 PM

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

Present: Commissioner Regina Davis, At - Large Member, Chair
Commissioner Dr. Gail Bridges – Bright
Commissioner John Youmans
Commissioner Gerald McSwain
Commissioner David Tranchand
Commissioner Frank Rowan
Commissioner Edward J. Dixon
Commissioner Malcolm Carter
Commissioner Marion Lasley
Commissioner Roger Milton, School Board Representative
David Weiss, County Attorney
Jill Jeglie, Senior Planner
Allara Gutcher, Planning & Community Development Director
Beryl H. Wood, Deputy Clerk

Absent: Commissioner Mari VanLandingham
Commissioner William Chukes

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, district and introduction for which they are appointed for the record. Chair Davis introduced the new members Malcolm Carter and Marion Lasley. She also mentioned the two previous members

Edward Allen and Larry Ganus and thanked them for their service to the Planning Commission.

4. **APPROVAL OF MINUTES**

PC Minutes December 11, 2014

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DR. BRIDGES – BRIGHT, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, FOR APPROVAL OF THE DECEMBER 11, 2014 MINUTES.

PC Minutes January 12, 2015

UPON MOTION BY COMMISSIONER YOUMAN AND SECOND BY COMMISSIONER MILTON, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, FOR APPROVAL OF THE JANUARY 12, 2015.

PC Minutes February 12, 2015

Mrs. Lasley commented that the motion page 8 it should be, “Which are not developable”.

Corrected Original Motion:

UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND SECOND BY COMMISSIONER VANLANDINGHAM, THE COMMISSION VOTED 9 -0, BY VOICE VOTE, TO MOVE WITH PROPOSAL AND INCLUDE THE LANGUAGE, WHICH ARE NOT DEVELOPABLE OF NET DENSITY ON ATTACHMENT 7- PROPOSED POLICY.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER TRANCHAND, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, FOR APPROVAL OF THE FEBRUARY 12, 2015 WITH NECESSARY CORRECTIONS TO STATE THE ABOVE.

5. **DISCLOSURES AND DECLARATIONS OF CONFLICT - None**

GENERAL BUSINESS

5. **PUBLIC HEARING**

PUBLIC HEARING - (Legislative) Special Exception Uses (LDR-2015-01 Documents: Special Exception /Conditional Use PC Agenda Report

Ms. Jeglie discussed the recommendation of amendment to the Gadsden County Land Development Code (LDC) to address “Special Exception Uses” (SEU) including revising the definition of SEU in Subsection 2102, Definitions, Specifically; Renaming Section 7300 and creating Subsection 7303 ‘Supplemental Standard for Special Exception Uses’; and, amending Subsection 7202 (A) (10) Type II Procedures (Attachment 1). She commented, included in the packets were Commissioner Marion Lasley’s comments along with Capability Section of the existing Land Development Code.

As previously discussed, the LDC requires a considerable number of uses to be reviewed as SEU. However, the current LDC does not include criteria or standards to be considered when preparing findings of fact and rendering a decision on a proposed SEU. Florida case law had noted that special exceptions be reviewed against certain standards or criteria in rendering a decision to approve or deny SEU.

She said the Planning Commission is asked to consider the following in making a recommendation on the SEU ordinance.

- A revised definition;
- The following are proposed to be included in Sub. 7303, SEU
 - Information requirements for submittals;
 - Review criteria;
 - Amendments to approve SEU;
 - Expiration and extensions of SEU; and,
 - Violations and discontinuance of SEU

The Planning Commission decided to take each section one by one.

Definition of Special Exemption Uses – Subsection 2102

Ms. Jeglie said the previous language was struck through. Most of the section was moved to the actual section that was created in the Code to identify those standards and definitions. A use that is not prohibited within a particular Future Land Use Category but may not be generally appropriate unless it is demonstrated that the use will comply with special criteria and standards for location and operation of such use. She asked did anyone have any proposed changes they would like to see in the definition.

Commissioner Lasley commented in several of the other examples that were given. Several people mentioned this use would not affect the public health, safety and welfare of the citizens. I would personally like language of that effect to be added. Some of the other language is it would not have detrimental effect, it would not result in the creation of objectionable or excessive conditions, it would not overburden the neighbors, would not adversely affect, it would not inflict negative impacts to the surrounding properties. It gives a sense that the agenda is to make sure there are no problems with the project.

Commissioner Dr. Bridges - Bright stated some of the language gives a great deal of subjectivity.

Ms. Jeglie would like to put Standards in the section they are developing for Standards and Criteria.

Chair Davis agreed with Ms. Jeglie that it should be placed in the standards section.

Commissioner Dixon commented “we should create standards that allow Special Exceptions to exist.”

Consensus: To keep the Special Exemption as defined with strike through.

Section 7303: Standards for Special Exception Uses

Ms. Jeglie read the language for the Standards for Special Exception Uses: The approval of a special exception use does not create precedence as each use is considered on a case-by-case basis. Due to the nature of special exception uses, criteria shall be applied to ensure compatibility of the proposed use with adjacent and nearby uses and developments. The burden is on the applicant to prove by substantial evidence that the granting to the special exception is in the public interest. She also included the section A: Required Information 1-14.

Commissioner Marion Lasley read her comments. She mentioned in the first paragraph in section 7303, she would like to see the language and definition for capability states its ability to locate a new land use or development adjacent to existing land uses without afflicting negative impacts, located in Chapter 5. Included the language, criteria shall be applied to ensure compatibility and avoid or mitigate negative impacts. I think this is the opportunity to state any problems and make sure they are taken care of. She asked that it be included in the criteria.

Chair Davis asked how is the detriment defined?

Commissioner Lasley asked what was in the public interest. It could be just as vague.

Commissioner Dr. Bridges – Bright stated detrimental seems to be more inflammatory and it brings a sense of having to qualify.

Commissioner Lasley said there would be problems with the Special Use Application in that it doesn't really fit in. There needs to be qualifications that are made.

Mr. Ganus said he preferred language in section 7303.

Commissioner Dr. Bridges -Bright suggested if it was inserted it should go in section B. Criteria.

Commissioner Dixon asked what is the definition of substantial evidence used by the County.

Ms. Jeglie explained the burden is on the applicant.

Mrs. Gutcher commented on the last sentence 7303 the burden is on the applicant to prove by substantial evidence that the granting of the special exception is in the public interest. She suggested providing the following language as specified in part A, then define what that substantial evidence is.

Commissioner Dixon stated he didn't agree with the Director's statement at all. He recalled this is special exception, a person has already jumped through a lot hoops to get here.

Mrs. Gutcher replied it was already required to provide it anyway; you are only defining what that substantial evidence is. She said all the items in part A is your substantial evidence. They are already required by this draft to be provided.

Commissioner Dixon said they should remove substantial evidence and allow what is stated in part A.

Mrs. Gutcher clarified they are wanting to removing substantial evidence and by providing the information in part A for Section 7303 – Standards for Special Exception Uses.

Subsection 2102 – Special Exception Uses

Chair Davis called for public comment.

Larry Ganus , 2174 Frank Smith Rd., offered a suggestion, a rewording of that section: Special Exception Uses: A use that is not allowed or permitted within a particular Future Land Use Category, but may be acceptable if demonstrated that the use will comply with special criteria and standards for location and operation of such use. “It kind of reverses the prohibited part, that is not allowed are permitted, that it may be acceptable if it demonstrates that use will comply with special criteria.”

UPON MOTION BY COMMISSIONER DR. BRIDGES-BRIGHT AND SECOND BY COMMISSIONER ROWAN, THE COMMISSION VOTED 9 – 1, BY VOICE VOTE, TO LEAVE DEFINITION AS IS. (Commissioner Lasley opposed the motion. The motion passed.)

Subsection 7303 – Standards for Special Exception Uses (re-visit)

Chair Davis read the suggested comment. The burden is on the applicant to provide the information required in Part A of this section.

Mrs. Gutcher commented if the Commission would like for it read as above she would request that they delete the information that’s before number 1 in A, because it is saying it twice.

The burden is on the applicant to provide the information required in part A of this section.

UPON MOTION BY COMMISSIONER TRANCHAND AND SECOND BY COMMISSIONER ROWAN, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, TO APPROVE THE CHANGE BE READ IN SUBSECTION 7303: THE BURDEN IS ON THE APPLICANT TO PROVIDE THE INFORMATION REQUIRED IN PART A OF THIS SECTION.

PART A:

Ms. Jeglie asked had they read any comments.

- A. Commissioner Lasley said she was more comfortable with the compatibility being used to reference according to the definition without using negative impact. Any time the word compatibility is used I’m ok with that, as long as the applicant has to address the negative impact.

Chair Davis referenced her notes where it stated for existence, wherever the word compatibility is used is not detrimental.

Commissioner Lasley said that is correct, but she did not have consensus so she would go with compatibility. Reading the definition, “I don’t like to flip back to chapter 5 to have to read what the definition of compatibility is. I would personally like to have it in the document, stated that there will not be negative impacts.”

Commissioner Dr. Bridges – Bright stated that it appeared pretty clear to her. She said the set back requirements are included, transportation impacts and about the lights.

Chair Davis questioned number 4 and number 14. “To ensure capability as far as the setbacks and compatibility of the Land Development Code.”

Mrs. Gutcher reminded the Commission this is only what they are required to provide to them.

Commissioner Lasley’s discussed her list of concerns in section A:

- 2. Impact should have (s) on the end.
- 4. Have etc. written out.
- 5. Should add frequency, anticipated daily, weekly and monthly trips. Not sure where you should put in.
- 13. Was commented on by Ms. Jeglie about the number of frequency and duration of special events annually. In number 5, it discusses transportation impact. If something is to be amended it should be number 13 regarding the frequency of the events.

Chair Davis asked what is staff comment to this prohibiting access to minor local roads unless specified.

Mrs. Gutcher said that wouldn’t be a requirement, it might be a condition and it wouldn’t be in this section.

Commissioner Lasley asked about the frequency in transportation.

Chair Davis stated that staff has suggested it be placed in number 13 as opposed to 5.

Commissioner Lasley said she was referring to frequency of daily and weekly trips. I’m looking for them to describe what the traffic would be with their special exception use.

Mrs. Gutcher replied transportation hours can be peak hours. She said the standard would be to look at the use and compare those ITE journals that tell us average daily trips or average peak trips, that information could be reported. It’s a national standard.

Mrs. Lasley said they would like to have compatibility in the document of the definition. Does utilities include infrastructure.

Commissioner Tranchand discussed the transportation impact. He said how it is stated in number 5 is how it should be, kept simple.

Commissioner Rowan motioned to approve section A and it was seconded by Commissioner Carter.

Commissioner Lasley asked did utilities include infrastructure.

Mrs. Gutcher commented it would include water, sewer and power.

Discussion followed among the Commission.

The question was called.

UPON MOTION BY COMMISSIONER ROWAN AND SECOND BY COMMISSIONER CARTER, THE COMMISSION VOTED 9 – 1, BY VOICE VOTE, TO ACCEPT SECTION A. (Commissioner Lasley opposed the motion. The motion passed.)

B. Criteria for Approval

Commissioner Lasley said staff needs to make sure all information is listed in the criteria.

Chair Davis said that was redundant to add same language.

Commissioner Dixon motioned to approve B as stated and it was seconded by Commissioner Dr. Bridges – Bright.

Commissioner Lasley to add any other conditions by the Board or BOCC

Commissioner Dixon said that's the Board's right. He said he was in favor of it as written.

UPON MOTION BY COMMISSIONER DIXON AND COMMISSIONER DR. BRIDGES – BRIGHT, THE COMMISSION VOTED 9 – 1, BY VOICE VOTE, TO APPROVE SECTION B. CRITERIA FOR APPROVAL AS WRITTEN. (Commissioner Lasley opposed the motion. The motion passed.)

C. Conditions and Safeguards (add the word to)

UPON MOTION COMMISSIONER ROWAN AND SECOND COMMISSIONER MCSWAIN, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, TO APPROVE SECTION C: CONDITIONS AND SAFEGUARDS AND TO ADD THE WORD TO.

D. Expiration, Extension and Revocation

Commissioner Lasley said she would like to see development order for special exception within 12 months for the day of the grant providing all criteria has been met.

Commissioner Tranchand stated it read you would not be issued a grant unless you had all the information required to have it issued.

Chair Davis called for public comment and there was none.

UPON MOTION COMMISSIONER CARTER AND SECOND COMMISSIONER DR. BRIDGES – BRIGHT, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, TO APPROVE SECTION D: CONDITIONS AND EXPIRATION, EXTENSION AND REVOCATION AS WRITTEN.

E. Discontinuance

Commissioner Lasley commented two years was too long.

Commissioner Tranchand recalled they had already reduced this from previous discussions.

Commissioner Dr. Bridges – Bright pointed out in the 3rd line, where it reads the special exception use, shall be expired. She asked could it read shall expire.

Ms. Jeglie said following the discontinuance of the use for which the special exception was granted. She recalled the word expire was in the first part of the sentence and she felt it was redundant. She suggested any special exception shall expire within two (2) years following the discontinuance of the use for which the special exception was granted.

Chair Davis called for public comment and there was none.

UPON MOTION COMMISSIONER ROWAN AND COMMISSIONER CARTER, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, TO APPROVE E. DISCONTINUANCE AS STATED.

F. Quasi – Judicial

Chair Davis called for public comment and there was none.

UPON MOTION BY COMMISSIONER DR. BRIDGES –BRIGHT AND SECOND BY COMMISSIONER ROWAN, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, TO APPROVE SECTION F: QUASI-JUDICIAL AS WRITTEN.

Section 7202: Type II Procedure (#10 added use and extension of a discontinuance)

Chair Davis called for comment and there was none.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DR. BRIDGES – BRIGHT, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, TO APPROVE THIS SECTION WITH THE ADDITION OF THE CHANGE AS WRITTEN BY STAFF.

7. **PUBLIC HEARING (Legislative) -Transmittal of Future Land Use Element (FLUE) Documents:** Future Land Use Element PC Agenda Report 040915 | Stipulated Settlement Agreement Overlay Maps

Mrs. Gutcher stated this hearing is required to offer a recommendation to the BOCC for the transmittal of the revised Future Land Use Element (FLUE) to the Department of Economic Opportunity for review as a more concise, understandable and defensible document which will provide certainty regarding the allowable development within each land use category, and to

the future growth of Gadsden County. She said they have been making the reflected changes to the FLUE over the last 2 months. In the attachments it reflects the vote from the last meeting. She commented on attachment 2 of the staff report. Yellow highlighted text was the language you voted on at the last meeting she was directed to speak with the Carlton-Fields, which is Darrin Taylor on mining issues. She commented on page 10 of the attachment, where there is some underlined language there, which is new insert. After discussion on today she has new proposed language on Policy 1.3.2 by the County Attorney, David Weiss, which should be amended to add this new language.

Attorney Weiss comments were read into record: Policy 1.3.2 – Attorney’s language written read into record: “Property owners’ rights to conduct mining activities shall be vested to the policies and regulations in effect at the time when the property owner received a permit from or entered into an agreement with a governmental regulatory agency authorized to issue the permit or enter into t he agreement for so long as the permit or agreement is valid and effective and has not expired.”

I think the rest can be stricken because it is more of a non-conforming use issue that is addressed under the general non-conforming use provision.

Darrin Taylor, 2155 S. Monroe St. asked for additional time on the mining and vesting policies. He said they have made a great deal of progress.

Commissioner Dixon what does that mean we are close.

Mrs. Gutcher said we were working on the vested language. She said Mr. Taylor and she had been working together but, they need additional time.

Commissioner Dixon asked what about the rest of the document.

Mrs. Gutcher said he does not have concerns with the Stipulated Settlement Agreement. She referenced attachment 4.

Commissioner Dr. Bridges - Bright asked what language your do clients have a problem with.

Mr. Taylor said there was no vesting language in February.

Chair Davis commented on Policy 1.32, what is the will of the Commission?

Mrs. Gutcher said on Commercial there was no resolution.

Chair Davis asked did they want to table this section until next month.

UPON MOTION BY COMMISSIONER LASLEY AND COMMISSIONER TRANCHAND, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, TO TABLE POLICY 1.3.2 UNTIL NEXT MEETING, SO THEY CAN STUDY AMENDED LANGUAGE THAT HAS BEEN INCLUDED. THE REASON BEING THEY WERE HANDED LANGUAGE AT THIS MEETING AND DID NOT HAVE TIME TO REVIEW.

Commissioner Tranchand said he was concerned about holding up efforts and the setting of precedent.

Commissioner Milton stated that staff and the client have had an ongoing relationship. He said this is an exception.

Commissioner Dr. Bright – Bridges said it should be stated as to why.

Mrs. Gutcher said the only difference is to eliminate part c.

Page 12 of 14 – Future Land Use Element Overlay Districts Sub-Element

Mrs. Gutcher stated the language here is virtually verbatim to what the language is in current Comprehensive Plan obtaining to the Stipulated Settlement Agreement Parcels. What the difference is now the policy refers to a map number. For example, Policy 1.5.1 which has all the requirements listed and referenced in the top part of the paragraph map 1.1. You would turn to map 1.1 to know where those parcels are on the Future Land Use Map because parcel numbers can change. As soon as you sub-divide a parcel then the parcel number no longer exists. In the future to be able to determine where those parcels are based on the map is much simpler than trying to figure out what the parcel id was back in 2008. She referenced the map and commented on the language in attachment 3 on affordable housing which refers to creating either affordable housing or workforce housing at the discretion of the developer which requires half of the affordable housing units under either option. She noted it probably should say one half of the affordable or workforce housing units under either option shall be constructed by the time that one half of all units when the property is developed. She said that language was not included in the draft, that's underlined in the end of the Future Land Use Element.

Chair Davis asked if it were to be included where would it be.

Mrs. Gutcher responded it would be in the parcels that refer to Wildflower Property, Scphenf Property and the Mortham - Shaw Property.

Larry Ganus, 2174 Frank Smith Rd. commented he had been an advocate for the Stipulated Settlement Agreement. He said the Director has done an excellent job presenting. He pointed out a couple of things he saw that doesn't match the original documentation. In policy 1.5.2 – third line down it should read Highlands at Lake Talquin; section A of the same policy E - wording was changed to read to say. "Said facilities shall be constructed and operated by the developer or homeowner's association." The original wording was that it would be operated by the developer and or a licensed wastewater treatment facility operator and shall be capable to expand to serve other area properties or be converted to list station to provide for a fluent flow to a central waste water treatment facility. He said he felt the homeowners association dues would probably be needed to keep this up, because the developer at some point will be out of the picture. He questioned whether or not a homeowner's association will be competent to take care of facilities like this unless they have an expert in the neighborhood that lives in the association. He asked that the wording be added back, something about licensed or professional wastewater treatment facility operator or whatever wording. He questioned about the

legalities when you have something; rural residential category Policy 1.1.5 on page 6; attachment 4 comments by Mr. Taylor and comment 5. He said he agreed with what he said should be added back; 6 agreed that language should go back in. Questions concerning LDC. Should be added to language you reserve the right.

Mrs. Gutcher said it would replace the new language in the Ordinance. It would be repelled.

Mr. Taylor, 215 S. Monroe St. representing Anderson and Columbia and BASF, commented submitted new letters on behalf of BASF and Anderson and Columbia all issues that are attached in Attachment 4 covers the basis of what they have been doing. He said their concerns are simply limited Policy 1.1. 0 Mining let's get it right. Neighborhood Commercial within the Agricultural Category as far as the use of commercial or issues are limited to that. Vesting language related to mining that we discussed. He said there are no other issues. He said the point is not to delay the process. When they met in February and provided an original letter, the issues his clients has is not to ask for more it is a matter of looking through the documents and say they are things we have a right to as of today, let's just retain those. He said the direction from the Commission was to work with staff to figure things out. He said as a result of that on March 2 he drafted language provided it to the county that after he discussed with the clients this would work for us. All I did was take language that is already in effect and put in back in. On March 24 we had a conference call with staff (Allara and Jill) and they explained what they were trying to do with the policies, it was to consolidate.

Chair Davis said she wanted to go back to Page 12 of 14 Future land Use Element Overlay. She said there was one change Mr. Ganus mentioned on Policy 1.5.2 change *and* to *at*. She questioned staff related to A. where it changed from developer to licensed waste water etc.

Mrs. Gutcher said the document we have regarding the Stipulated Settlement Agreement Policies was not actually consent between each of the areas. The other policies require the central portable water system to be completely financed by the developer. That's what they all say except for this one. She recommended the second sentence in part A say, "Said facilities shall cause to be constructed and operated by the developer or homeowner's association. She said her goal was to make sure it was consistent.

Commissioner Rowan motioned to take out the homeowner association and it was seconded by Commissioner Tranchand. The motion was withdrawn.

Discussion occurred among the Commission.

Larry Ganus recalled his comments and said he wasn't suggesting they take the homeowners association out of the loop. "I think the homeowner's association will be at the core of this whole thing." He felt they shouldn't be eliminated.

Commissioner Dixon suggested leaving the language as is except for the word operate. He suggested changing to who builds not who maintains it. The homeowners association is going to own it, but it would be operated by the licensed waste water treatment.

Commissioner Lasley said it would need to be developed by the property developer or property homeowner. She stated the homeowners association was not in the original stipulated settlement agreement.

Commissioner Tranchand said they should allow staff to provide language that speaks to the ownership of the homeowner's association and the maintenance and operation.

Commissioner Tranchand motioned and it was second by Commissioner Rowan for staff to come up with language by the next meeting. The motion was later withdrawn.

Mrs. Gutcher said they should retain the first part of the sentence. *Provide or construct a central wastewater treatment facility to serve the properties.* Said facilities shall be constructed and operated by the developer and or a licensed wastewater treatment facility operator. She said she was not sure of legalities in this portion of the language *and shall be capable of expansion.*

Commissioner Lasley asked would that language be used in each one.

Mrs. Gutcher responded it was only for Policy 1.5.2.

UPON MOTION BY COMMISSIONER TRANCHAND AND SECOND BY COMMISSIONER ROWAN, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, FOR APPROVAL OF THE LANGUAGE IN THE FIRST SENTENCE OF POLICY 1.5.2 SECTION A: PROVIDE OR CONSTRUCT A CENTRAL WASTEWATER TREATMENT FACILITY TO SERVE THE PROPERTIES. SAID FACILITIES SHALL BE CONSTRUCTED AND OPERATED BY THE DEVELOPER AND OR A LICENSED WASTEWATER TREATMENT FACILITY OPERATOR.

Policy 1.5.1 – Wildflower Policy:

UPON MOTION BY COMMISSIONER ROWAN AND SECOND BY COMMISSIONER CARTER, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, FOR APPROVAL OF POLICY 1.5.1 TO ACCEPT THE LANGUAGE AS WRITTEN.

Policy 1.5.2

UPON MOTION BY COMMISSIONER TRANCHAND AND SECOND BY COMMISSIONER ROWAN, THE COMMISSION VOTED 10 – 0, TO APPROVE POLICY 1.5.2 WITH THE MINOR CORRECTION OF (aka Highlands it was written and Lake Talquin, should read aka Highlands of Lake Talquin).

Policy 1.53

UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND SECOND BY COMMISSIONER MCSWAIN, THE COMMISSION VOTED 7 – 3, BY VOICE VOTE, TO PUT AFFORDABLE HOUSING BACK IN THE ORIGINAL SECTIONS THAT WERE IN ATTACHMENT 3 AND INCLUDE THE WORD OR REINSERT THE AFFORDABLE HOUSING. (Commissioner's Rowan, Tranchand and Lasley opposed the motion. The motion passed.) Commissioner Lasley discussed the Affordable Housing, she said the developer or the property owner; Schnepf property. She said she would like the language added to A between county and developer.

Chair Davis commented on Policy 1.5.3.

Staff recommendation is that you accept language.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MILTON, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, TO MOVE THE INSERT THE STIPULATED AGREEMENT LANGUAGE AS RECORDED WITHOUT ANY CHANGES.

Commissioner Tranchand said there was a difference in development and maintenance.

Commissioner Ganus agreed with Commissioner Dixon's comment. He suggested they roll it over and leave it like it is. It's already on the record.

Commissioner Lasley asked is Rooster Crossing in Stipulated Agreement – Policy 1.15.4 current policy.

Chair Davis pointed on page 7 or 14 and she referenced the letters Mr. Taylor had provided related to mining. She asked for directions from the Commission did they want to table and have staff go over it.

Mrs. Gutcher said his concerns were with attachment 4, that he had withdrawn a couple of those things.

Mr. Taylor commented that they had further combined some policies based on the discussion from March 24 with staff.

Mrs. Gutcher said there is not anything different from what was received in attachment 4 and what is in the existing draft. She said they were at their leisure in what they what to do. She stated her comments were:

- On page 2 of the BASF Corporation Letter, in proposed policy 1.1.1.0 mining. Her comment on purpose and intent where he has underlined and the establishment of criteria for protecting known deposits from encroachment by land use inconsistent with the excavation and association of mining operations. She stated this was a policy decision and she has no comment on that, there was nothing technically wrong with it.
- Density number 2 – the underlined reclamation of mining lands, one residential unit may be located per tract prior to a Future Land Use Map Amendment to another land use category. Her recommendation is that tract is removed and either parcel or lot of record terminology be used instead because it is more commonly used in their practice. So when they are referring to the Property Appraisers data where it referring to a parcel or something that has been subdivided and recorded. I would delete prior to a Future Land Map Amendment to another land use category because that is a given.
- Number 3, no problem with the addition of mining reclamation activities. No problem with underlined text – residential upon reclamation of mining lands.
- Number 4 Development Restrictions, I would submit that the purpose part A needed to be included in the purpose and intent if we want to wrap that the language in. The other

part basically states that if you know there is a commercially valuable mineral deposit, including fuller's earth, clay, sand, etc. then you should classify that land as mining.

- Part A not recommending that they include that language, part B if we are going to include put it on the Development Restriction section of this portion of the policy.
- Part 5, I would submit that the language uses should be mining uses are not subject to county development plan approval process. To retain the language that we are referring to the Department of Environmental Protection Mining Mitigation and Delineation because, that is precise process rather than generic federal and state agency language, than Mr. Taylor has proposed.

Mrs. Lasley commented she didn't see anything wrong in mining reclamation to the allowable uses, which was in his paper. She noted that the housing policy was not recommended, being able to put a house on land after it was mined.

Mrs. Gutcher reiterated what she said was if you want to allow residential mining, that's a policy decision.

Mr. Taylor commented his only intent was to move it around to make sense. Professionally we can work with staff. I need to talk with my clients.

There was discussion on when Mr. Taylor could get information in, to take comments from letter that was issued and make recommendation.

Mrs. Gutcher stated they having being working on this issue. She suggested time limits be set.

Commissioner Lasley said take comments from letter received today and make recommendations.

UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND SECOND BY COMMISSIONER CARTER, THE COMMISSION VOTED 10 – 0, BY VOICE VOTE, TO TABLE UNTIL NEXT MONTH'S MEETING FOR STAFF TO RESOLVE BY THE NEXT MEETING.

8. PUBLIC COMMENTS

There were no additional public comments.

DIRECTOR'S COMMENTS – Allara Mills Gutcher

- Discussion of moving the May 14th meeting to May 7, 2015. The request was withdrawn.
- Distribution of the Intergovernmental Coordination Element as adopted in January 2015. (addition)
- Florida Competitive Partnership Program they are moving along. They had a great asset mapping exercise last week with the Department of Economic Opportunity. It was a 1 1/2 day event and she thanked Commissioner Dr. Bridges-Bright for her attendance.

9. ADJOURNMENT

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR
DECLARED THE MEETING ADJOURNED AT 8:35 P.M.**

GADSDEN COUNTY, FLORIDA

REGINA DAVIS, CHAIR

ATTEST:

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