

**AT A REGULAR MEETING OF THE
PLANNING COMMISSION HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 20, 2018 AT 6:00 P.M., THE
FOLLOWING PROCEEDING WAS HAD, VIZ:**

Attendance:

Commissioner Edward J. Dixon, Chair - Absent
Commissioner Libby Henderson, Vice-Chair - Present
Commissioner Regina Davis, At-Large Member - Absent
Commissioner Gail Bridges-Bright - Present
Commissioner John Youman - Present
Commissioner Marion Lasley - Present
Commissioner Doug Nunamaker - Present
Commissioner Lori Bouie - Present
Commissioner William Chukes - Present
Commissioner Antwon McNeil - Absent
Commissioner Gerald McSwain - Absent
Commissioner Audrey Lewis, School Board Representative - Absent
Jill Jeglie, Senior Planner
Roosevelt Morris, Planning Director
Elizabeth Barron, County Attorney
Beryl H. Wood, Deputy Clerk

1. PLEDGE OF ALLEGIANCE/CALL TO ORDER:

Due to Ms. Jeglie stepping out, the meeting started at 6:07 pm.

Vice - Chair Henderson called the meeting to Order at 6:07 pm and asked everyone to stand for a moment of silence and then led in the Pledge of Allegiance to the U.S. Flag.

She reminded the Commissioners if anyone had any ex-parte communications with anyone, phone calls or meeting they should disclose them at this time.

2. INTRODUCTION OF MEMBERS – ROLL CALL

Roll Call was conducted by Deputy Clerk, Beryl H. Wood.

3. MINUTES – JUNE 14, 2018 AND JULY 12, 2018

Commissioner Libby Henderson said she was not present on the June 14 meeting minutes. On pg 6: middle of the second paragraph, the sentence that starts with then get pumped out *into* the lake watershed instead of *into* it should be *of*. pg 12: under item #10 the second paragraph, replacing with Jurisdictional wetlands *was* instead should read *were*.

June 14, 2018

UPON MOTION BY COMMISSIONER BRIDGES – BRIGHT AND SECOND BY COMMISSIONER YOUMAN, THE COMMISSION VOTED 7 -0, BY VOICE VOTE, FOR APPROVAL OF THE JUNE 14, 2018 MINUTES WITH THE NECESSARY CORRECTIONS.

July 12, 2018

UPON MOTION BY COMMISSIONER CHUKES AND SECOND BY COMMISSIONER BRIDGES – BRIGHT, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, FOR APPROVAL OF THE JULY 12, 2018 MINUTES.

4. APPROVAL OF THE AGENDA

Commissioner Bridges – Bright suggested they move item #8 to item #7 so that they could hear from the people that have requested to speak.

UPON MOTION BY COMMISSIONER BRIDGES – BRIGHT AND SECOND BY COMMISSIONER BOUIE, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, FOR APPROVAL OF THE AGENDA WITH THE NOTED AMENDMENT.

5. DISCLOSURES AND DECLARATIONS OF CONFLICT – N/A

6. CITIZEN’S REQUESTING TO BE HEARD – N/A

7. SOLAR POWER GENERATION FACILITIES

Mrs. Gutcher presented the solar power generation facilities. She said there was discussion seeking direction pertaining to the regulation of solar power generation facilities in the Comprehensive Plan and Land Development Code. She then introduced the Talquin presenter. Matt Gibson, an engineer from Talquin. He said they are here because the current Code is making it difficult for them to proceed with solar power generation facilities in Gadsden County, He said he has some examples which he presented via power point.

Mrs. Gutcher said to think about whether you would like to allow smaller ones in RR. She said they need to figure out where they fit in and if they do smaller sites less than 20 acres.

Commissioner Nunamaker asked if he was looking from one off of Atwater Rd. Mr. Gibson said no, it’s too small.

Mr. Gibson said this is how much energy that's produced this month. He gave different options. He said they have their normal bill each month, like having a battery and what you provide to Talquin you take off.

Commissioner Lasley asked why this not has a public land use. She asked why they wouldn't label the property.

Mrs. Gutcher said it is an allowable use. She discussed the allowable uses in a heavy and light industrial zone.

Commissioner Bridges – Bright asked can you work something out so members can benefit.

Mr. Gibson stated said the City of Tallahassee locked down, he said we are doing for the members, but it has to make sense.

Ms. Jeglie said they discussed having light industrial use.

Commissioner Bouie said she is ok with smaller scale farm. She said as long as the setbacks are in place. She would like to see setbacks in the residential area. She wanted fair setbacks and buffers.

Commissioner Bridges – Bright said she is looking forward to seeing solar panels in the light and heavy industrial area.

Mr. Gibson said leasing is an option. Commissioner Henderson said the staff is looking for direction. What other categories (heavy and light industrial, public, Ag 1,2,3, Rural Residential, Silva Culture; The only areas RR and Conservation.

Mrs. Gutcher said most she had added, commercial she had not. Commissioner Bouie said her only concern was proper setbacks and buffers. Gutcher said there is really no impact to the property. She said she only needed feedback. This was for the Commission to ask questions. She asked that they reconsider that amount of space. Mrs. Gutcher said you could regulate.

Tony Gavin, Talquin, discussed the megawatts. He said they look at the land side. Mrs. Gutcher would you like to allow in rural residential. Ms. Jeglie said they would have to come back in Ordinance form that then it would be recommended to BOCC. page 4 of 18,

Consensus to bring the item back as it was only for discussion.

8. **SECTION 4202.A RESIDENTIAL USES (Legislative) (LDR 2018-04)** – Consideration of amendments to Subsection 4202.A, Residential Uses of Chapter 4, Land Use Categories of the Land

Development Code to address accessory uses and storage, prohibited uses and exceptions including the prohibition of livestock and the keeping of horses (equine species) in the Rural Residential future land use category.

Mrs. Gutcher spoke on an issue that has been presented the County. She said underlined is a new language. She presented what was for the consideration of the amendment to Subsection 4202. Types of Uses, A) Residential Uses, as it specifically relates to accessory and prohibited uses. She said she wanted the language to be more specific. She said they are considering as an accessory use. She continued to discuss each item #2: Prohibited Uses and Exceptions. She also said they will discuss the definition of livestock.

Commissioner Bouie asked was she aware of the current situations of the County.

Mrs. Gutcher said she is not privy to any situations. Ms. Jeglie said that Code Enforcement is present for any questions. She said there is one ongoing case where a horse is in a residential area where they can move horse or apply special exception.

Commissioner Bouie commented on buffer language. Ms. Jeglie said if it is adopted it would apply, they would not have enough property.

Commissioner Henderson discussed that grandfathering it would not change if BOCC has given variance. It would affect people moving forward. Mrs. Gutcher commented on conforming use and that they should have a special exception.

Commissioner Lasley asked how they would know they need to apply for a special exception.

Ms. Gutcher said they would call and check. Commissioner Bouie said it is not an issue until it becomes the issue.

Commissioner Lasley said the definition for livestock is she read into the record. "You have basically focused on horses. What happens, do you write a separate Code."

Mrs. Gutcher said it is covered 4202, they would be prohibited in the Code. Commissioner Henderson said the problem with the Code, you need an exception to allow equine and a commercial use. She said she would like to see definition of breeding.

Commissioner Nunamaker said subsection 6 on 2: commented on 100 ft setback. He felt that was excessive language and he suggested 50ft setback. Commissioner Bouie said the State was 35 feet.

Commissioner Chukes gave for example if had 5 horses and he wanted to breed, without commercial use, would I be in violation. Mrs. Gutcher said no.

Commissioner Bouie said as long as it not advertised as commercial. Commissioner Lasley said another issue the yellow rural residential, somebody changed it to yellow. She said rural residential zoning is an issue.

Mrs. Gutcher said in order to change map must go through the public hearing process. Commissioner Bouie said there was an application process. Commissioner Henderson asked about motion. A motion was made by Commissioner Bridges –Bright and a second by Commissioner Bouie to move to 50 feet from 100 ft.

Mrs. Gutcher said this is something they need to decide tonight. She said this would move it out of chapter 4 into chapter 9 (Accessory use).

UPON MOTION BY COMMISSIONER BRIDGES –BRIGHT AND SECOND BY COMMISSIONER BOUIE, THE COMMISSION VOTED 7 -0, BY VOICE VOTE, FOR APPROVAL OF MOVING THE 100 FT SETBACK TO 50FT.

The Chair called for public comment.

Public Comment:

Henry Corry, 612 Millwood Drive – left before he could speak.

Dawn Kremkau, 40 O’Neal Way, Havana, FL 32333 She said that she was allowed to have 1 horse or cow etc per acre. She said no special exception. How do I approve that I have been grandfathered in? Commissioner Henderson said do you know for sure you are in RR. It is separate than what you can do in the Code. Commissioner Henderson said no livestock since Nov. 26, 1991. Attorney Barron said if you have that use, you can be grandfathered in and keep records. If you just start then you would not. She said you need to determine if you are conforming or non conforming use.

Mrs. Gutcher said under the new regulations you might be compiled. Commissioner Henderson asked was your property green or yellow. The changes only effect if you live in rural residential. It is a platted subdivision; most lots are less than 5 acres.

Commissioner Lasley said they should go into the Property Appraiser website it would show you what the land use of your property is. Commissioner Henderson said with the changes coming you could have equine with less than 5 acres. Her suggestion would make livestock allowed on RR.

Mary Andrews, 2253 Dupont Rd She said her concern was with the restrictions. She said they are much more restrictive than surrounding counties. She said in the City of Tallahassee you can have. She said on these dwarf goats it is restricted. She discussed the grandfathered in the clause. You can't use it the way it is set up. Commissioner Henderson said the livestock definition would be defined. Attorney Barron said if the use is continued they should be grandfathered. She said if there is no use and a gap it would then become non-conforming.

Jed Carroll, 187 Jamieson Rd. Havana, FL Addressed the Commission. He said let's get rid of any prohibition about livestock. He said they moved to Gadsden County because it was welcoming. He said chickens are not allowed under this new language. He said they have 50 acres, split into 3 acres lot (Woodland Hill – minor subdivision). He said the new language doesn't fix anything. He said the issues of overcrowding of livestock are Code Enforcement issue, not a PC issue.

Kathy Hutchins, 409 Colonial Dr. Havana, FL Spoke on the issues. She asked about the platted subdivision. Mr. Nunamaker explained the process. Commissioner Henderson said this didn't apply to her because she was ruled, Ag. It applied to RR. Commissioner Henderson said she is not a property appraiser attorney and is not giving advice. Commissioner Nunamaker said 1-5 per acre. She spoke about being grandfathered in. Attorney Barron said section 5.38 addressed land conforming uses.

Debra Chatham, 6277 Flat Creek Rd, Chattahoochee, FL She said she liked some of the changes and some she does not. She said where she lives is Ag, but she owns 17 acres of RR. She said when you restrict to 8 horses when you own a large amount of property that limits what you can do. She asked that look at Marion County and stated that horses can make money. She brought up Dover Farms. Commissioner Nunamaker said he understood what she is talking about. He said it should be addressed very soon. She spoke of balance.

Sarah Fitzgerald, 101 Sioux Circle addressed the Commission. She said the property was bought in the 1970s. She said she got code violation in March. She said she hired an attorney. She commented the Ag3 1-20 with the covenant. Commissioner Henderson said neither one should apply. Attorney Barron said this change may not apply and it might help her situation if passed. She asked about variance.

Commissioner Henderson commented that everyone that wanted to speak had and she thought there was additional language on the breeding issue. Commissioner Lasley said she was not sure of language on grandfathered in. Henderson said the Code does provide it is specifically under non-conforming use. Attorney Barron said you don't have to specifically address it. Mrs. Gutcher said what you might be able to do make recommendation 4202 A: hold until next month or defer the whole thing. Commissioner Bouie said the language is not clarified, she would like to review. Commissioner Henderson asked would they like to defer the entire language until it can be clarified.

Commissioner Bouie asked Ms. Jeglie what was meant by contacting staff. Commissioner Bouie said if she finds research would she be able to bring. She asked could they defer entire language until next meeting. Commissioner Bridges – Bright asked what was the language that was confusing so that it could be clarified. Commissioner Henderson commented on language in 202. Commissioner Lasley asked staff to address RR lots.

UPON MOTION BY COMMISSIONER BOUIE AND SECOND BY COMMISSIONER LASLEY, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, TO DEFER ENTIRE LANGUAGE UNTIL THE NEXT MEETING.

9. **FUTURE LAND USE ELEMENT (Legislative) (LSPA 2018 -01)** – Consideration of amendments to and transmittal of the Future Land Use Element of the Comprehensive Plan. Gutcher said the Future Land Use Element of the Comprehensive Plan has several revisions regarding the consolidation of certain Future Land Use categories and clarify other policies. This item is presented for discussion so that a future Planning Commission meeting final action may be taken.

Mrs. Gutcher said zoning is what is on the ground and asked that they please review. Commissioner Lasley noted her concerns; Page 1 of 18 – 6) allowable uses – she said didn't fit. Public on page 3: Why would Talquin Substation not be listed as public? F. Agriculture – Density – no more than one dwelling unit per five 5 acres. Pg 4 Rural Residential – Density, water, and sewer not available. Mrs. Gutcher said once the map was turned RR, you can apply urban residential, you still have to go through zoning. To change a zoning map. All RR would go to 1. Class 2 utilities Commissioner Bouie said the same process of approval would have to be made. She said they need language to be open to receive new development.

Recessed at 8:40 – 8:46 pm

Commissioner Henderson asked is this something that can be workshopped and Commissioner Lasley could bring her concerns to the Commission. Mrs. Gutcher said the October 18 would be the date for the workshop.

UPON MOTION BY COMMISSIONER BRIDGES –BRIGHT AND COMMISSIONER BOUIE, THE COMMISSION VOTED 7 -0, BY VOICE VOTE, TO HAVE WORKSHOP OCTOBER 11, 2018.

Dan Winchester, 842 Richbay Rd spoke at the earlier meeting, July 12 and was asked to revise. He said from that discussion he created Conservation Subdivision Policy, which he presented for the record. Commissioner Henderson said should they do a workshop in LDC. She said this is not something that they can take a vote tonight. Commissioner Nunamaker asked do you know what needs to be changed. Commissioner Henderson asked what kind of development would oppose to this. Commissioner Bouie said this was an optional option. Mrs. Gutcher said there is

nothing that prevents this type of development. This is an attractive plan. You would only have to apply. Commissioner Winchester, he said existing clustering. Commissioner Henderson said this type of development would be allowed. Commissioner Bouie said she would like to have language that makes recommendations (educate) to developers. Commissioner Henderson makes suggestions and it would be allowable. Commissioner Henderson said changes proposed would fit what you want to do. Commissioner Jeglie said the county has provisions that allow for those types of subdivisions.

10. CAPITAL IMPROVEMENTS SCHEDULE (Legislative) (LSPA 2018-11) – Consideration of adoption of the FY 2018/19 – 2022/23 Capital Improvements Schedule of the Capital Improvement Element of the Comprehensive Plan.

Ms. Jeglie said the Planning Commission, as the local planning agency, I requested to make a recommendation to adopt the Fiscal Years (FY) 2018/19 – 2022/23 Capital Improvements Schedule (Table 8.3) of the Capital Improvements Element (CIE) of the Comprehensive Plan (Attachment #1).

The Board of County Commissioners is required to adopt a Capital Improvements Schedule (CIS) annually pursuant to 163.3177 (3) (b) F. S. (Attachment #1).

Commissioner Henderson asked for questions and there were none. She then asked for approval.

UPON MOTION BY COMMISSIONER BOUIE AND SECOND BY COMMISSIONER LASLEY, THE COMMISSION VOTED 7 -0, BY VOICE VOTE, FOR APPROVAL OF MOTION OPTION 1 TO RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS ADOPT THE CAPITAL IMPROVEMENTS SCHEDULE OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN.

11. SECTION 2100, DEFINITIONS (Legislative) (LDR 2018-06) Consideration of amendments to Section 2100, Definitions of the Land Development Code.

Commissioner Henderson commented on why they are having people to remove their chickens. She said to make changes in the definition. Commissioner Lasley said they didn't include ostrich and emus. Commissioner Henderson asked was that the will of the Commission to include. Commissioner Lasley said the motion should combine the two for emus and ostrich, make 5815 (grazing animals take word to graze out).

UPON MOTION BY COMMISSIONER LASLEY AND SECOND BY COMMISSIONER NUNAMAKER, THE COMMISSION VOTED 7- 0, BY VOICE VOTE, FOR APPROVAL OF THE PROPOSED LANGUAGE.

UPON MOTION BY COMMISSIONER BRIDGES – BRIGHT AND SECOND BY COMMISSIONER CHUKES, THE COMMISSION VOTED 7 -0, BY VOICE VOTE, FOR APPROVAL OF SECTION 2100 DEFINITIONS AND PROPOSED LANGUAGE CHANGES.

12. CHAPTER 1, ADMINISTRATION AND ENFORCEMENT (Legislative) (LDR 2018-07) –

Mrs. Gutchner presented the consideration of amendments to Chapter 1 of the Land Development Code Sections 1300 and 1500 regarding the correction of timing regarding the legislative process and other needed corrections for the implementation of the Land Development Regulations (LDR 2018-07).

She said the Land Development Code (LDC) is the implementing document of the goals, objectives, and policies of the Comprehensive Plan. It is required by 163.3202, Florida Statutes and provides specific standards to which all development within unincorporated Gadsden County must meet. Amendments to the LDC are made as legislative, local, characteristics, or other factors evolve and are updated. She said they need to clean up this language between the Legislative Hearing and the Quasi-Judicial Hearing. She said primarily what has happened during the last update of Chapter 1 when writing the document they were going back and forth between the legislative and the quasi-judicial hearing process and when we amended one section we didn't amend the other. The primary change is to make the timing of both processes similar in nature so it's more practical for staff and the applicant.

Commissioner Lasley asked was she referring to Chapter 1. She said item number 12. Commissioner Bouie asked would they consider this at the next meeting or proceed tonight. Commissioner Bouie said this is a part of application process and that they need a process they could encourage development. She said compromise 10 days notice no more than 14 days. Commissioner Youman suggested making it 15 days. Commissioner Henderson reminded them this is only a recommendation; it will still go to BOCC for final approval. Commissioner Lasley questioned language in section 1500 on variance procedures. She said she would like to delete with similar character motion failed for lack of a second.

UPON MOTION BY COMMISSIONER LASLEY AND SECOND BY COMMISSIONER YUMAN, THE COMMISSION VOTED 3 – 4, BY VOICE VOTE, TO LEAVE AT 30 DAYS AND NOT MAKE CHANGE. THE MOTION FAILED. (Commissioners Bridges-Bright, Bouie, Henderson, and Nunamaker opposed the motion).

UPON MOTION BY COMMISSIONER BRIDGES – BRIGHT AND SECOND BY COMMISSIONER YUMAN, THE COMMISSION VOTED 6 -1, BY VOICE VOTE, FOR APPROVAL OF OPTION 1. (Commissioner Lasley opposed the motion).

13. PLANNING COMMISSIONER QUESTIONS AND COMMENTS

- **October 11, 2018 – Regular Meeting**
- **October 18, 2018 - Workshop**

14. DIRECTOR'S/PLANNING COMMENTS

Ms. Jeglie referenced the workshop on October 18. She discussed the joint workshop that was with BOCC/PC. She informed them that there would be another one and she would give them the dates as soon as it is made available.

MOTION TO ADJOURN

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, VICE - CHAIR HENDERSON
DECLARED THE MEETING ADJOURNED AT 9:47 P.M.**

GADSDEN COUNTY, FLORIDA

LIBBY HENDERSON, VICE- CHAIR ACTING AS CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK