

AT A REGULAR MEETING AND WORKSHOP OF
THE PLANNING COMMISSION HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
JANUARY 17, 2019, THE FOLLOWING
PROCEEDING WAS HAD, VIZ:

Commissioners Present :

Libby Henderson, Vice-Chair
Gail Bridges-Bright
John Youman
Marion Lasley, District 5
Doug Nunamaker
Lorie Bouie
Steve Scott, School Board Representative

Commissioners Absent:

Edward J. Dixon, Chair
Regina Davis, At-Large
William Chucks
Antwon McNeil
Gerald McSwain

Staff Present:

David Weiss, County Attorney
Suzanne Lex, Community and Planning Director
Allara Gutcher, Planning Consultant
Beryl H. Wood, Deputy Clerk

Staff Absent:

Jill Jeglie, Senior Planner (absence excused – family death)

1. **Call to Order and Pledge of Allegiance to the U.S. Flag**

In the absence of the Chairman, Vice-Chair Henderson called the meeting to order. She then led in pledging allegiance to the U.S. flag.

2. **Roll Call**

The deputy clerk called the roll and recorded the attendance as listed above.

3. **Approval of the Agenda**

UPON MOTION BY COMMISSIONER YOUMAN AND SECOND BY COMMISSIONER BRIDGES-BRIGHT, THE BOARD VOTED 7 – 0 TO APPROVE THE AGENDA AS WRITTEN.

4. **Approval of Minutes – September 20, 2018**

The following corrections were made to the minutes:

- Page 3 – scrivener's error – "solor" should be "solar"
- Page 5 – scrivener's error – the word "in" should be added in front of the word "compliance"

UPON MOTION BY COMMISSIONER BRIDGES-BRIGHT AND SECOND BY COMMISSIONER BOUIE, THE BOARD VOTED 7 – 0 TO APPROVE THE MINUTES OF SEPTEMBER 20, 2018 AS CORRECTED.

5. **Disclosures and Declarations of Conflict**

Vice-Chair Henderson asked members to disclose any communications they may have had with their constituents or parties regarding issues before the board at this meeting.

No communication disclosures or conflicts of interest were reported.

6. **Bradwell Future Land Use Map Amendment (FLUM) Small Scale Comprehensive Plan Amendment SSPA 2019-01**

Applicant: Joe Bradwell, owner

Applicant's Representative: Elva Peppers, Florida Environmental and Land Services, Inc.

Location of the property: West Side of McCall Bridge Road

Parcel ID: 4-25-1N-4W-0000-00241-0500

Size of Parcel: 5 Acres

Present Use: Vacant

Proposed Use: Residential – Single family dwelling unit

Current Land Use Designation: Agriculture 3 (1 dwelling per 20 acres)

Proposed Change Land Use Designation: Agriculture 1 (1 dwelling per 5 acres)

Staff Recommendation: Approve the application upon the condition that the property owner applies for a lot split as required by the Land Development Code.

Ms. Alexander Lex introduced SSPA 2019-01 citing facts listed in the agenda packet then called for questions from the Commissioners.

Lasley: So, the original lot that this came from – how many acres was that? The Ag 3 portion?

Lex: Elva, do you know the size of it?

I am sorry, I do not have that information. I can research that, of course, but I am not able to get that information for you right now.

Lasley: I guess my question is – how does this leave the rest of the whole parcel and can an individual just decide that they want to carve out a five (5) acre lot and sell it to somebody even though it doesn't conform to the land use on the main parcel?

Lex: Under property rights, a person can do what they would like to do. They can carve out a 5 acre parcel or 10 acre, whatever they would like. That is apparently what happened some ten (10) years ago with this parcel.

No, it is not the process we would want them to follow. Of course, you could go through the land use change first, and then the parcel split. For the purposes of this parcel, it has been a five acre lot for 10 years. Therefore, the individual is trying to make it a conforming lot.

I can't say that we want to reward somebody that may have done something wrong. I don't know the history of this property. I don't know if he bought it as such and not knowing. All I can say is that it will be compatible with the surrounding land uses - the residential and agricultural uses.

For the purposes of being compliant with the Code, the applicant has requested this small scale amendment.

Lasley: You were also requesting that they do a lot split and it appears that something is not on the "up and up" there.

Lex: That is correct. This was done without benefit of prior approval.

Lasley: And you don't know what the parent parcel was?

Lex: I do not have that information, Ma'am. I am sorry.

Lasley: O.K. Because there is another lot on the other side of it that is not even five (5) acres. On the north side of that one.

Lex: The parent parcel would appear to meet the minimum requirements. Again, I have not done an analysis. If you would like an analysis of the parent parcel, what the uses are, what the density is and what is conforming with the parent parcel in relation to this parcel, that is something that we would have to go back and do for you and then bring it back to you so you would have that information at the next meeting.

Lasley: And, if you look at the current and the future land use maps in this agenda packet (attachment 4) I can't really tell what is Ag 3 and what is Ag2 and I don't know what the yellow is. Can you tell me what land use categories are all around this parcel?

Lex: If you go to the analysis, it indicates that to the north, it is Agricultural 3. It is a vacant piece of property. It is 5 acres in size. It is another abutting, nonconforming lot.

To the east, we have Agricultural 3. We have eight (8) dwelling units in one homestead. It is six (6) one-acre lots and two (2) on half acre parcels on a 23 acre portion of a 75 acre tract.

To the south, it is Agricultural 3. It is vacant. It is 18.5 acres of a 75 acre tract.

To the west is Agricultural 1. Timber and it is vacant. It is 6.4 acres. That would be an abutting conforming use if they want to develop a single family home on that parcel.

Nunamaker: If I may. It abuts up to an Ag 1 to the west. Everything west of that is all rural residential.

Non-conforming lots are to the north and south as far as Ag3 goes, but it does currently abut up to one Ag1.

Lex: There is one adjacent parcel that is conforming regarding density, not of use.

Nunamaker: Another quick question.

Did I understand that he wants to further divide this? Cut this in half?

Lex: No. He needed to do the lot split for this parcel so it would be a lot of record. Again, to do the lot split, he wants to make sure that he is creating a conforming lot, therefore, he has asked for the land use change to take place through the small scale amendment prior to formally coming in to make an application to do the lot split.

Lasley: Even though he has been paying property taxes on some parcel that has already been designated as that.

Nunamaker: And, it has been going on for eleven years.

Lasley: Yes, so, I don't understand why his legal numbers don't go with his taxes?

Lex: I can't comment on what the tax assessor has done on this parcel.

Lasley: It looks to me like we are allowing somebody to create a lot split in a subdivision without going through the proper process.

The original owner could have done that when he wanted to sell this to the man. Is that correct?

Lex: I can't speak to what I have in front of me. Yes, the previous owner could have approached the county under the regulations that were in place at that time and requested to divide and subdivide this property pursuant to those regulations and under those guidelines.

Again, I don't want to speak to something that I am not informed about. This is the information that I have in front of me. Therefore, I can only recognize the request

to try to make this lot conforming. I understand that you are saying this is an “after the fact” approval in essence. O.K. Therefore, it was done without the benefit of approval from the county on the front end. Without the lot split being done in accordance with the county regulations that were in effect at that time. I cannot address those things. I can only address what we have here in front of us.

Lasley: Having been at these meetings since 1990 or maybe 1991, what is to stop everybody in the county from doing that and coming in here?

Lex: I can only address what I have in front of me. What people do with their private property, I can't talk to that – What is to stop them. All I can do is move forward to try to get people to work within the boundaries of the Code and do things right on the front end. I take a very proactive approach in trying to educate the public.

Again, what is to stop them? There is nothing to stop a private property owner from doing what he would want to do with his property. To that question, that is all I can say.

Lasley: There is water on McCall Bridge Road, right? Talquin water?

Lex: Yes, there is water and electric. Those would be provided by Talquin.

Lasley: So, they will hook up to that. I am assuming that he will need three acres that are upland to have a mounded septic tank in case the property does need a mounded septic tank?

Lex: I cannot speak to the requirements of the health department and what they will want for the septic tank. They will be doing that permitting.

Henderson: Forgive me if I am incorrect, but, I understood the paperwork to indicate that since the split was already there, there is a septic tank already in place.

Nunamaker: Was that after he bought it or before?

Henderson: I don't know, I thought that is what it listed.

Bouie: Yes, a private on-site system.

Lex: Forgive me, I missed that.

Henderson: I saw it somewhere in here. The way it was phrased made me believe it was already on site. I don't know if I can find it.

Lasley: On page 5 it states that the septic system must be set back 100 feet from the well.

Lex: We would look for compliance with the current regulations in place or any permitting that takes place. If there was a variance to be granted by the health

department, again, I cannot speak to that.

Respectfully, I understand your concern with an “after the fact” approval to creating nonconformity and then coming in to try to get approval for it afterwards. That is not the way that we would want to operate in the county, but, I can only speak to this property owner wanting to bring this into compliance through this process so that he may further develop the property in accordance with Gadsden County land development regulations.

Do we have any further questions of the staff? Is there anyone from the public who wants to speak to this issue?

Elva Peppers, Florida Environmental and Land Services, Inc., 221-4 Delta Court, Tallahassee, FL.

I am here to answer any of those questions. I did provide a map that shows the buffer for the construction for the home site and also for the septic. There is space for that. I just wanted to point that out.

Mr. Bradwell wants to build one home on this property and there is not currently a septic tank there. So, if that was in the report, I don’t think that is correct.

There is currently not one – is that what you are saying?

No, there is not a septic tank.

I apologize about that.

I do have a map that shows the adjacent land uses which should answer your questions about that.

Your wetland map is the one we are talking about that has things marked off on. I can’t really read it. So, but, I am assuming that this parcel out by the road in the very, very front outside of the orange line is the area that he can work in except for the buffers. Is that right?

Right. It is closer to the road. The wetlands are in the rear of the property.

So, he won’t be able to build in them or put a septic tank in there. So, it will have to be built in whatever buildable area is on the southeast corner.

Right. There are about 2.5 acres that is not wet.

2.5 acres instead of 5?

Yeah.

I don't know about that.

Does anyone else have any questions?

No?

Do I hear a motion to approve or to take action on this public hearing. Do I have a motion to take any of the options presented on the last page of the memo, which is on page 5. There are three options listed there. Do I have a motion to take action on any of those options?

I just want to make sure that there is nobody else from the public that wants to speak – just to confirm.

Is there any other comment from the public? (no response)

That being the case, may I have an motion made on one of the three options presented to us by the staff?

I OFFER A MOTION TO ACCEPT OPTION ONE: APPROVE THE JOE BRADWELL SMALL SCALE COMPREHENSIVE PAN FUTURE LAND USE MAP AMENDMENT FROM AGRICULTURE 3 TO AGRICULTURE 1 (SSPA-2019-01 WITH THE CONDITION THAT THE PROPERTY OWNER WILL APPLY FOR A LOT SPLIT TO CREATE THE FIVE ACRE PARCEL AS REQUIRED PURSUANT TO THE GADSDEN COUNTY LAND DEVELOPMENT CODE, SUBDIVISION REGULATIONS.

SECOND.

ALL IN FAVOR?

Henderson
Bridges-
Bright
Nunamaker
Bouie
Scott

AYE

Youman
Lasley

NO

Henderson **THAT IS A VOTE OF 5 – 2. THE MOTION PASSED.**

7. Allen's Excavation Future Land Use Map Amendment LSPA-2019-1

Applicant: Allen's Excavation, Inc. Heath Weldon, owner

Applicant's Representative: Elva Peppers, Florida Environmental and Land Services,

Inc. 221-4 Delta Court, Tallahassee, FL 32303

Location of the property: Robert's Sand Company

Parcel ID: 5-0L-0R-0S-0000-59330-0000

Size of Parcel: 42.95 Acres

Present Use: No Ag Acreage

Proposed Use: Mining of sand

Current Land Use Designation: Agriculture 3

Proposed Change Land Use Designation: Mining

Staff Recommendation: Approval of the Allen's Excavation Large Scale Comprehensive Plan Future Land Use Map Amendment from AG-3 to Mining LSPA-2019-01.

Ms. Lex addressed the commission noting the following facts:

- There is an active mining permit issued by FDEP associated with the property.
- FDEP issued a letter in May 2018 Change of mining notice which extended the permit mining on the property until 2044.
- It is nonconforming in use, but, has been permitted by FDEP.
- Applicant desires to make the use conforming under the current land uses.
- Less than 1 acre is wetland and wetland habitat
- Less than 3 acres of the parcel is in the Flood Zone.
- There is an on-site septic system and well.
- The surrounding land uses are all Agriculture 3 (designated Future Land Use)
- The existing uses are mining petroleum on the north side; timber on the east and south side; to the west there is another mining parcel.
- Access to the property would be from Roberts Sand Road (Crowder Road) used primarily for mine access. It leads to Sadberry Road.
- The property is vested for mining since 1994 when permitted by FDEP
- The property was found to be in compliance in 1989, 1994 and again in 2018.
- The compatibility analysis was done and no impacts are anticipated.
- The ingress and egress has been established.
- The nearest mining property is located less than one mile from the parcel to the west.
- The application indicates that it complies with the 50 ft. setback from the wetlands
- The mining is permitted and monitored by the FDEP.
- When the mining permit is closed out, there will be a full reclamation plan which will also be monitored by FDEP.
- The applicant did hold a Citizen's Bill of Rights meeting. There were no attendees; therefore no objections were raised in the meeting. No notices of objection were received from the property owners who were sent notices

of the meeting.

- Staff recommended approval to transmit the proposed FLUM amendment to the Department of Economic Opportunity for review and comment with the special condition to maintain a 50 ft. setback from the natural area adjacent to the wetlands.

Nunamaker: They have been mining this for years. What is the benefit of changing this to mining now? They mine every day.

Lex: They can mine without doing this, that is correct.

Nunamaker: So, what is the benefit then?

Lex: I think the benefit is for them. It will create a conforming use and should they want to sell the parcel for anybody else to use, they would be selling it with an approval of the mining use on the site. Instead of selling a nonconforming use – there again, they have vested rights and they can continue to operate with their DEP permits.

Youman: I have a question. You said that there was no one to object knowing that it is going to be mined. Was this property advertised in the paper so that people could actually know what was going on? Now, a lot of times, they will have a hearing right at the property and no one is notified and no one shows up and they are still in compliance. But, was it put in the newspaper so people would know?

Lex: As part of our ad, there was also a sign posted on the property indicating that this would be public hearing tonight on this. It was also noticed on our website.

Henderson: In terms of him talking about the actual meeting where nobody showed up, those are done even better, I believe, than a newspaper advertisement. Notices are actually mailed directly to people's houses that live within 1,000 ft.

Lex: Are you referring to the Citizens Bill of Rights meeting? They were noticed as well. We did receive one call from a person asking if this parcel was part of the hearing tonight. I said, "Yes," and informed them of where the meeting was, where they could find the information and told them that if they had any questions, they could call back. We heard nothing else.

Lasley: I have questions. The letters that are sent out, they generally say that we should be able to see a list of the parcels where those letters were sent to so that we know that the people within a quarter mile or half mile were mailed and noticed about the land use change. That is not in here. All I have is copies of items. So, in the future, that would be helpful and it would be nice to know that all of them heard about it and all the "l"s are dotted and the "t"s are crossed.

I am a little concerned about the residential homes that are there. There is a rural residential section that is approximately .11 mile northeast across Crowder Road. Again, we are going through all these papers, Chapter 4 and Chapter 5 and talking

about compatibility. Now we've got a rural residential house and that is not the only one, there are more that I can see on the map. I am a little worried about compatibility for them from the noise from the trucks.

Lex: The use is there. You are not creating a new incompatibility. The mining is there. The trucks are there. For compatibility purposes, again, there is a distance.

So, I look at compatibility when you are introducing something new. The adjacent uses are not residential right next to it.

I understand your concern, but, I think that if there was a compatibility issue with those residences, we are not aware that any of the homeowners have any concerns. That use – those trucks and that impact is existing.

Henderson: The county attorney can correct me if I am wrong, but, their use is vested. I don't think you could take it away from them now if you wanted to.

Lasley: Well, another one of my questions is: They are currently mining the property and what is it – 20 trucks a day going out?

Lex: I do not have a traffic analysis.

Elva, can you speak to this?

Peppers: Yeah. As far as the trucks in this particular property and how it is being used, I think I can probably build a better picture as far as what is happening out there. As Ms. Lex said, this has been an existing mine since before the Comprehensive Plan was adopted.

The first point I would like to make is when the Comprehensive Plan was adopted, this was designated as Ag-3. In the Ag-3 at that time was where you would put mining. So, this has been conforming land use until the Comprehensive Plan was changed to add a mining category.

It is not the case where was done, it is just that it wasn't change along the way to keep up with the Joneses, so to speak. We are trying to do that now and trying to do the right thing. We are trying to strike it in stone that this is what it is and that is what the county has assigned. We are trying to make it right.

Years ago, we had previously discussed with the county planning department about doing this as an overall fix where all these mines would automatically be placed in the mining category rather than in the Ag-3 designation.

This owner wants to do it now on his own dime. So, that is what we are asking you to do.

The mailing addresses were presented and it is on one of these maps right here. All

the parcel ID numbers are there. The map shows which one of these parcels were notified. That includes the three small lots that you are referring to over here.

Lasley: I don't have that in my packet.

Lex: It wasn't included in the packet.

Peppers: You were asking about the traffic. There are two extremely large mines to the north of this within 300 feet that are very active. Both of them come down Sadberry Road and Crowder Road and Roberts Sand Road. This particular site is owned by Allen's Excavation. They don't sell sand commercially. They do road work, so when they need material for their jobs, they may come here and get it. They also have a mine in Leon County. That is where they get the majority of their material.

Right now, this is not a very active mine. For example, they got the Quincy by-pass job and they got material for that project from here. It saved them money, I am sure.

As far as the number of trucks – they own 5 trucks. So, however many times those trucks can go back in one day is the maximum number. So it is probably not that many. It is market driven and also distance to dump those trucks.

Any other questions?

Henderson: Do we have any comments?

Youman: What about this company if they want to sell it in the future to someone else. Is there a problem with them selling it?

Peppers: The owner is doing this with the other mine in Leon County. They are going through all of the permits and everything and getting everything in order. This is what you want from a property owner and a business person. You want them to make sure that they take inventory and try to get everything done correctly.

They could sell it now and still keep mining it. Mr. Weldon's son also works in the business, so, it may be passed down to the son. I really don't know what their future plans are. They have not disclosed that.

Lasley: I have a question about the roadways. What roadway will this property access?

Peppers: It comes out on Roberts Sand Road and then to Crowder Road and then to Sadberry.

Lasley: Which ones are paved?

Peppers: Sadberry.

Lasley: And who access to Roberts Sand Road and Crowder Road?

- Peppers: Both of those are private road owned by the other mining companies. Crowder Road would go to the pit to the north, which is no longer owned by Crowder. They sold it. Roberts Sand still owns the pit that is to the west.

The road accessing this property is only used by trucks immediately other than Sadberry.

Lasley: There are no residences that use these two roads?

Peppers: That is correct.

Youman: No.

Nunamaker: There are quite a few residents that use Sadberry Road.

Youman: Yes, Sadberry, but not Roberts or Crowder.

Peppers: Like I said, those are private roads.

Henderson: Do we have commissioners with any other questions?

If not, do we have anybody in the public that would like to address the commission on this item?

Seeing no member of the public requesting to address the commission, I would like to request whether we have a motion from any commissioner that would like to suggest which of the options as suggested on page 6 of Item 7 on the agenda – recommendations by staff to the commission. Do we have a motion on those?

Bouie: So moved for Option one – approval of Allen’s Excavation Large Scale Comprehensive Plan Future Land Use Map Amendment changing the land use designation from Ag-3 to Mining (LSPA-2019-01) with the condition that the Label on Exhibits A and B of the Environmental Analysis and maintain a fifty foot (50’) natural area setback to the wetlands as indicated in the Compatibility Analysis response to Policy 5.3.4 of the Comprehensive Plan.

Bridges- Bright: Second

Henderson: All in favor?

Nunamaker Aye.

Youman

Henderson

Bouie

Scott

Bridges-

Bright

Henderson: **Opposed?**

Lasley: **No.**

Henderson: **The motion passes 6 – 1.**

That will take us to item No. 8.

8. Public Hearing: Ordinance 2017-003 to update the capital improvements schedule of the Capital Improvements Element (LSPA-2018-11)

Lex: Thank you for this opportunity to update you on the capital improvements schedule. I didn't have a chance to look at this with Jill afterwards. **I wanted to make sure that we clarified first that this public hearing is for consideration of a recommendation to adopt an ordinance (there should not have been an ordinance number listed in that) to update the Capital Improvement Schedule. The Board approved the Capital Improvement Schedule for FY 2019 thru FY 2023. That is attachment #1.**

Having actually worked with capital improvement schedules for a number of years, I want to say first that any information that was included on this strike-thru from 2017 and 2018 was really not relevant to this agenda item. It was from the previous item when you adopted the Capital Improvement Schedule back in September. What we are looking at is change from that schedule that was approved and you adopted a Capital Improvement Element with a budget for Fantana Trail. We have now received notice that we need to add \$200,000 into the FY 2018/19 for that project to be eligible for the FRDAP grant.

Therefore, we are asking approval to transmit this to the Department of Economic Opportunity with this revised Capital Improvement Element with the additional funds for county parks in order to be in compliance with the request for the grant.

We recommend Option 1 that the Board of County Commissioners adopts the Capital Improvements Schedule of the Capital Improvements Element of the Comprehensive Plan.

Any questions?

Lasley: In the FL Statutes 43(A)(4) it says (and this is what we are talking about tonight, the capital improvement schedule) "A schedule of capital improvements which includes any publicly funded projects of federal, state, or local government." So, my guess is that anything that we get funds from the state or that the county government decides to do or that the federal government helps us with and which may be privately funded for which the local government has no fiscal responsibility. So, those are supposed to be included in the capital improvement schedule.

Lex: If you meet the threshold of the definition of a capital improvement. So, yes, it would be.

Lasley: Right. I got that. Previously, we have had things like the hospital and courthouse grant money to improve the support infrastructure, expansion, interstate exchange, so I am just trying to verify that none of those exists. Is that correct?

Lex: No, we are looking at - pursuant to Florida Statute, the only requirement is that our capital improvement schedule that we include in our Comprehensive Plan reflect any funds that are from local, federal or state entities or from a private developer through a private agreement. To insure that the adopted level of service are achieved. So, if we have no adopted level of service on those other facilities, those funds and those projects are reflected in your county's budget. This is simply a subset of the projects that would insure that we meet the level of service required.

In addition, we can include projects in the capital improvement schedule in the comprehensive plan if it is to our benefit when applying for a grant. Sometimes they will carry favorably that we have included it in our capital improvement schedule as a part of our larger planning process.

So, we are meeting the requirements for that and that is why you won't see the hospital in here or ambulances or anything of that sort. We have not adopted level of service pertaining to those.

Lasley: You are combining two different statements in Number 4. The next sentence in number 4 states, "projects necessary to insure that any adopted level of service standards are achieved and maintained for a five year period must be identified as either funded or unfunded and given a level of priority."

Lex: We don't have an adopted level of service for some of those other projects that you referenced.

Lasley: Right, but, to me, that does not reflect the first sentence. That is my statement for the record.

Lex: Well, this is the way that FL Statute is written. Again, our responsibility is through the Comprehensive Plan is to insure that we include the projects that will inform the public of what we are funding to achieve our level of service. It also informs individuals that may want to develop whatever level of service are and planned projects that we may have that will benefit their future development. So, regarding that statement, that is the way the Statute is written. Maybe David will have a comment.

Lasley: Thank you.

Lex: You are welcome.

Henderson: **Any other commissioners have any questions?**

Do we have anybody from the public that would like to address the board with comments?

Showing no comment or questions from the public, I would like to ask the commissioners if anyone would like to make a motion. Options in this case are on page 2 that are suggested by staff with the recommendation of Option 1.

Youman: **I move that we recommend Option 1 – Recommend that the Board of County Commissioners adopt the Capital Improvements Schedule (attached and labeled Attachment #1) of the Capital Improvement Element of the Comprehensive Plan.**

Bright: **Second.**

Henderson: **All in favor?**

All: **Aye.**

Henderson: **O.K. Motion passes 7-0.**

That takes us to Item 9 on the agenda.

9. Public Hearing (Legislative) – Amendment to add Chapter 9 to the Land Development Code (which includes previously reviewed Subsection 4202 from the September 20 Hearing) (LDC 2018-04)

Gutcher: Thank you, Madam Chair.

This item has been before you as part of Chapter 4 previously. I believe the last time that you looked at this, it may have been September. You elected to create a new chapter in the Land Development Code to address accessory structures or uses and as such, the conversation that we had previously regarding equines in residential areas has been transferred into this chapter. This chapter then addresses other accessory type uses and structures like home occupations, outdoor storage of materials, keeping of livestock and fences. Some of this language was moved from other parts of the Land Development Code and some of it is new.

I will draw your attention to a portion of the document on Page 9 – 3 that is highlighted. In our previous discussion on the equine there was concern about the breeding issue on the parcel of residential uses. So, we are attempting to rectify that with adding a clause – “for sale or other commercial purposes.”

Since your last consideration of this, this clause has been added to help solve the concern of being able to reproduce the equine on your parcel and having a certain amount. Other than that, the equine portion of this is pretty similar.

We are also talking about in the first part of the Chapter accessory structures, which might be a shed in the back yard. It could be a pole barn on a residential property or even a swimming pool would be considered an accessory structure.

We have more clarity of what we expect when we are reviewing these for residents of Gadsden County. When they are reviewing the Code, they can have a better understanding of what to expect when they are looking to permit accessory structures and uses.

We are looking for a recommendation from you to move this forward to the County Commission as an ordinance to adopt a new chapter, Chapter 9, into the Land Development Code.

Nunamaker: Question. I had a call the other day, ladies and gentlemen, I meant to bring his name in, but, I left it at the office. He had a concern about the size of a barn. I didn't see it in the language in any of my papers, but, he said that he saw or heard somewhere where the barns cannot be any bigger than your home site or a trailer or whatever. Is there any kind of language in there that I am missing?

Gutcher: I am wondering if he was looking at the first page 9002 part f – “No accessory structure shall be greater than 50% of the floor area of the primary structure unless the accessory structure is a barn.” So, it is exempting barns.

Maybe he is confusing that language.

Henderson: What it would not accept in that situation would be if somebody has a shop on their property that is not constructed to house animals and they live in a trailer. Then that would prevent them from having a machine shop or something on their property that was greater than 50% of the floor area of a trailer.

Gutcher: Or a shed or something like that.

Nunamaker: For example: It doesn't apply to a barn, but, let's say the guy is an artist and he did sculpting in a shop. It can't be any bigger than 50% of the square feet of his existing dwelling?

Gutcher: That is correct. If you had a tiny house, you might have a problem.

Nunamaker: Even if he had in some cases,

Henderson: You are going to see a lot of trailers that are going to be smaller than 50% of somebody's pole barn.

Lasley: That is not going to work.

Gutcher: If you had an 1800 sq ft. house, your accessory structure could not be larger than 900 sq. ft.

Nunamaker: If you had an 1800 sq ft. home. Yeah.

Henderson: I imagine that is going to make a lot of rural residential properties nonconforming from the get go.

Nunamaker: It sure is.

Youman: It is going to upset a lot of people, too.

Bouie: How did that calculation come about?

Gutcher: Well, 25% is more standard, but we recognize that Gadsden County is more rural in nature, so we increased it to 50% in this draft.

Lasley: What I have written down is a workshop, a multi-car garage, storage, barn and then a mobile home would certainly be penalized for being a mobile home and not a site built structure if it is not larger than most site built structures.

Henderson: I am trying to follow. So, the mobile home would be a storage unit?

Lasley: No, a mobile home on a lot – let's just say a single wide mobile home would be disadvantaged tremendously from a site built home.

Gutcher: It depends on the size of the site built home.

Lasley: Certainly, but, let's just say a 5,000 sq ft site built home. I just can see that this is not going to work.

Bright: Why is the accessory structure dependent on the primary structure?

Gutcher: It is a policy decision. If you feel like that you want to delete that regulation, you certainly can. It is intended to prevent a bunch of large accessory structures multiple buildings on a single lot with a small house.

Nunamaker: Is that limited to zoning area?

Gutcher: That is correct.

Nunamaker: It doesn't matter if you are Ag-3 or rural residential?

Gutcher: That is correct.

Nunamaker: Well, I don't know that I agree with that.

Youman: I have a problem with that, too.

- Lasley:** I have another question in that same section.
9002.b "The accessory structure must be dependent on the primary use of the parcel and cannot constitute a different use."
- To me, that doesn't make any sense. The primary use of the parcel is for residential and the accessory structure is certainly not going to be for housing, it is going to be for other stuff.
- Gutcher:** For example, even your home occupation has to be located within the primary structure if you have a home occupation. You can't be in an accessory structure.
- Lasley:** That is a whole different category and I am not talking about that.
- Gutcher:** I am trying to follow what you are talking about. Can you give me an example?
- Lasley:** "The accessory structure must be dependent upon the primary use." I don't understand what you are trying to accomplish.
- Gutcher:** If it is a residential home, the accessory use must be dependent on that residential home. It can't be a business.
- Youman:** Like a garage, perhaps.
- Gutcher:** Right. A garage would house the car of the people that live in the house. That would be an accessory structure.
- Bouie:** I have friends that have three-car garage detached so that her husband can do his hobby working on the cars. It is a hobby and it is probably as large as their house.
- Gutcher:** A hobby is dependent on the people living in the house.
- Henderson:** But the garage, which is as large as the house would be a nonconforming structure immediately upon adoption although they would be grandfathered because they are already there.
- Youman:** So, is my tractor dependent on me living in my house? It is for farming. It is not for residential use.
- Gutcher:** Are you on an Ag parcel?
- Youman:** No, I am not on an Ag parcel.
- Gutcher:** Are you in rural residential?
- Youman:** I am in rural residential.
- Nunamaker:** Apparently it doesn't matter.

- Gutcher:** I don't want to get into too many specifics, but
- Youman:** I am just asking. So, what if a person owned and sold tractors, would that be in compliance with what we are speaking about?
- Gutcher:** Your tractor is not a structure or a use.
- Youman:** I mean, the structure that I built, I built for housing my tractors, lawn mowers and those kinds of things. Trailers. So, it is not dependent on the residence unless you consider me who uses it. In that case, I am in compliance.
- Gutcher:** Are you using the tractor for a business?
- Youman:** I use it for a farm.
- Gutcher:** It is dependent on you. If you are farming on a different parcel, but, you are not storing the equipment on the farm?
- Youman:** I am farming on a different parcel. I store some equipment on the farm, but, not my tractor. I have things that I need to do at my house and I transported one of my tractors to my house and I actually keep it there most of time. It is much bigger than the other one.
- Gutcher:** A tractor to me isn't a structure or a use. It is a vehicle. So, the barn is the accessory structure. You would be grandfathered if this were considered. But, if you were to build one after this was adopted, it would be limited to 50% of the size of your house.
- Nunamaker:** Does that include any structure at all? Just a pole barn with a roof? Is that the same as a structure?
- Gutcher:** I think that pole barns are exempted in AG category. That has been my understanding in Gadsden County because you are in an agriculture future land use category, you are an agriculture use.
- Bouie:** I don't see the need for measurements of accessory structures.
- Gutcher:** That is certainly something that you can change if you would like to.
- Henderson:** Based on the commissioners' comments here tonight, do I hear a motion to strike subsection f from 9002. 9002(f)?
- Bouie:** Yes.
- Bright:** Second.

Henderson: All in favor?

All: Aye.

Nunamaker: Public input?

Lex: One point that I would like to make. I don't know whether you would want to consider any replacement language such as, "The total of all accessory uses may not exceed the primary use unless they would come in for a variance." Something like that. Just wanted to put that out there.

Lasley: Again, we are talking about numbers here. You don't have language in here that restricts a parcel to one accessory building. Later on when we start talking about those other uses, they can have up to seven (7) accessory buildings on their property. These are the new categories that you created for us. So, people can have as many as they want as long as they comply with 7.

Gutcher: Yeah, there is not a limit on this page about how many you can have.

Henderson: We are just dealing with the motion that we've got on Subsection (f). We have a motion and a second for discussion.

Do we have comments from the public on that particular portion?

Lex: Yes, we do. We have Miss Heather Cave and here is her information. 102 Beaver Creek Road.

Heather Cave: Madam Chair, I have comments on this section as well as the entirety Chapter 9 that will be discussed. Do you prefer that I make my comments now or hold off on it until the end?

Henderson: My question was going to be – because I think we are probably going to have other discussion on the different parts of Chapter 9, so what is the will of the commission. Do we limit discussion now to our motion that is pending? I think we have to do that.

We have a motion pending on just subsection f.

Cave: O.K. I appreciate your time. My name is Heather Cave. I live in District 2 at 102 Beaver Creek Road. I work at FSU. I am the director of the research foundation, so my business is not in my home. I moved to Gadsden County because I work in Tallahassee and my husband works in Attapulugus. I have anywhere from 3 – 4 horses at a time and five cows and multiple dogs. I have rescue dogs. I live on 6 acres in the Reston Community. The reason I moved there was because we have the flexibility to do what we want on our own property. That means the ability to breed a horse. I know that is a different category, but, I have the ability to have cows on

my property. I have the ability to have a barn for those cows. To have a barn for my tractor. I have a workshop on my property. Going through this Chapter 9, I am completely out of compliance. Completely.

It is un-fathomable to me that this would even be considered. I appreciate all your anguish in reviewing this. I am greatly concerned. I have a variety of present neighbors who feel the same way who wanted to come tonight, but, they were not able to come. I think that if it came to a commission vote, there would be a packed room who would be very unhappy this specific item that we are talking about and Chapter 9, which I will speak to as well.

I want to speak strongly against what we are talking about today – the limit on the accessory structures. I would already be out of compliance. We have a nice home. It is 1500 sq. ft. The square foot total of all of our out buildings – horse barn, cow barn, and workshop is in excess of the 1500 sq. ft. I don't care if you raise it to 50% from 5% that is not going to work. That is not just me speaking for myself. That is speaking for my neighbors. You can drive through Reston and see numerous separate buildings that are garages, apartments, a lot of mother-in-law homes, workshops that would be out of compliance of this regulation.

I know that we would be grandfathered in, but, I feel like that is not the feeling of the members of Gadsden County who like the right to do what they want on their own property. This is not Leon County where we are dense and need strong regulations and rules about how you use your own property.

Anyway, I thank this board for hearing me. I appreciate the opportunity to speak again as we move forward.

Henderson: Do we have anyone else from the public that would like to address their concerns?

Gutcher: I would like to remind the commission that anyone who has a land use designation of agriculture doesn't have any restriction on the farm animals. It is only if you are in the yellow rural residential. I know this is a subject that was confusing the last time we came forward.

Cave: I will have additional comments when we get there.

Gutcher: O.K.

Cave: I have some concerns about that, too.

Henderson: We are only addressing Subsection f.

Are there any other comments?

In the case that we have no other comments, we do have a motion and second on the table to strike the floor area restrictions.

ALL IN FAVOR?

ALL: **AYE.**

Henderson: **Anybody against the motion? (no response)**

The vote is 7 – 0. The motion to strike the 9002.F passes unanimously.

9. Public Hearing – Amendment to add Chapter 9 to the Land Development Code

Moving on. I actually do have comments on what we were just talking about. Since we have brought up the keeping of livestock – When we addressed this the last time, I apologize that I don't think I was as prepared as I needed to be.

I think our current regulations are really bad. The way the current regulation reads is that livestock shall be prohibited specifically in rural residential. In residential areas where the keeping or use of livestock destroys or materially impairs the value of the adjacent premises, which includes unpleasant odor. So, basically what we have right now is we do not have (as I believed in the past that we did) a situation where it (livestock) is currently prohibited. It is not. It is currently prohibited if any of your neighbors think you smell or that your pigs smell. I think we can all agree that it is a terrible standard. You are either in compliance or out of compliance depending on whether you neighbors think your livestock smells.

So, I do think we need to fix it. I think that jumping from that standard to where it is o.k. until somebody complains to a standard where we are going to ban it except for keeping of horses for personal use. That is a pretty big jump. I know that we have checked and we have adopted a definition that does allow chickens in rural residential areas. I know we were working of definitions before and that and that is going to be fixed where people will not have to give up their chickens. I think that is a big area.

As she mentioned earlier, she has cows. I know somebody else that has cows on 10 acres in rural residential in a different area down the road from you. They were really concerned. Again, you all are grandfathered, but, I think it is going to be a significant problem and I do think that we need to fix the current definition. I am just now sure what is proposed is the best way to do it. On the other hand, I don't know that I know the magic language is. So, I will throw that out to you guys for discussion.

Going from it is o.k. until somebody complains that you smell to a place where we are banning it all except for a few horses for noncommercial use. That is a pretty big jump.

Nunamaker: Give us the exact subsection that you are speaking to.

Henderson: Yes, absolutely. It is going to be 9003.C. The old one is

Lasley: Can we start at A?

Henderson: We can, but, that was my particular thing that I was concerned about. I am happy to jump around after that. But, I remember that the public had brought that up as a particular concern and I thought it appropriate to go that now.

The current one is Subsection 4202 (A)(2). That is what we are currently changing. Again, I was mistaken last time. I thought it was currently prohibited except we were not enforcing that necessarily. I was wrong. The way it reads is that it is fine until it smells.

Lasley: O.K. What page are you on?

Henderson : I am on page 9-2 at the bottom. That is my concern. I don't know that I am o.k. with expressly prohibiting it if you are rural residential.

Gutcher: May I? I think I left my Code out in the car, but, it was my recollection that the current language also states that if you are going to have something that is not equine, you have to get permission from the county commission in rural residential.

Henderson: It says that is only restricted to 5 acres or less. But, what the actual provision currently says in 1 4202 (A)(2) "Livestock shall be prohibited in residential areas where the keeping or use of any livestock destroys or materially impairs the value of the adjacent premises. Materially impairs shall include, but, not limited to unpleasant odors. Horses and other equine species or bred as pets may be permitted on properties of less than five acres as a special exception use only to be permitted by the commission and the board of county commissioners."

So, on her property where she has 6 acres, as long as she doesn't have a neighbor currently that complains that she smells, it is permitted. I understand what they were trying to build into this provision, but, I think the way it currently reads is very problematic. I don't know how to fix it. The first time we discussed this in September, we had an absolutely packed room. It is a concern. People want to live here because they want to be able to have a hobby life. We have so many strange places that until we can fix the land use map where we have so many odd places where it is rural residential in the middle of an agriculture area. The property doesn't look any different. Nobody understands they are rural residential. I think it is problematic. I am curious to see how you guys would suggest fixing it. I don't know how to fix it.

Bouie: Madam Chair, on your minimum sized property, is there any way to have a fixed buffer? That way the smell will not come into consideration if there is a buffer.

Henderson: I think there are buffer situations that are built into the new provisions.

Bouie: For instance, if I have 4 acres, but, I was capable of maintaining 50 ft. for my livestock so as not to be near my neighbor's home.

Henderson: That is what you've got – a vegetative buffer within 15 feet of the property line has to be retained. Then you've got down here like in Subsection 9 there is talk about controlling the equine waste. It talks about water quality protection. It has to be kept in this place where it does not impact sewage disposal or water supply.

You've got a minimum area of property regulation. I think a lot of those things are really good that will address some of the issues we have now.

My specific concern is from jumping from a situation in which various types of livestock are allowed to a piece of property 5 acres or bigger to where nothing is allowed, but, horses. Since we have determined that chickens are not livestock.

Bouie: Well, I guess I am trying to consider if a buffer

Nunamaker: Smells don't really care about a buffer.

Bouie: I see number 7 – What I am trying to get at is a buffer between my horses and my neighbor who doesn't want horses. I am suggesting that if you have livestock, you can have whatever you want; just have this provisional buffer for the neighbor who may not have livestock. That is all. It could be 25 – 50 ft. I am asking the people who have land and livestock if that is feasible for you? Does that make sense? So the neighbor who complains, they could say, "We put in this buffer." You would have at least 50 ft. free from livestock.

Nunamaker: Did they complain about the smell? Smell doesn't care about buffers.

Bouie: I understand. I can move across I-10 and still smell it.

Nunamaker: How about noise? Noise doesn't care about buffers either. I have a neighbor who has too many dogs and it is very annoying, but, there is nothing I can do about it. It is really bad.

Bouie: I am just suggesting that may help. It is unfair to the person who has or who wants to have the recreational farm if they can't have what they want. Likewise, it is just as it is unfair for those persons who are living next to it and must deal with the smell even though they have no animals. I am just suggesting that a buffer is a way to the answer.

I asked the questions of those persons who have livestock. We have a citizen who looks like she can answer that.

Cave: I think the whole intent of these regulations is for someone who has a certain expectation of living in a residential area and they are not living near farm animals. Then the expectation of somebody who is living in the green agriculture area does

have the expectation of living near farm animals. I think this is actually written to try and protect those who have a residential home in a residential area rather than trying to prevent something in an agriculture category.

Henderson: I think the actual bigger problem is that we've got a lot of stuff designated rural residential in areas that probably should be agriculture.

Cave: I agree. In the reverse also.

Henderson: I understand that we do have a situation where like in your situation; it is certainly possible for you to approach us and ask us to have your future land use map designation changed to agriculture. That would make your nonconforming use then conforming. That is an option for everybody and that would be the same if you got ready to buy property in a rural residential area. You could approach the planning commission and ask to have as we have done tonight. The first two things that we did tonight was to take action to make something a conforming use that was nonconforming. So, it is a change that can be made. It is an extra step. Then the question is – I don't know enough about vesting rights. I probably should, but, law school was a long time ago. If you have a vested use now, I don't know how much of that travels with you when you sell the property.

Gutcher: Typically, 100%. It stays with the land, not the owner.

Henderson: That is my concern. I think that I would love to see a situation where we took all of our rural residential pockets that are randomly stuck in agricultural areas and turn them back to agriculture. If they were, in fact, a commercial use, make them commercial.

Lasley: May I make a comment on that?

Lasley: What we need is an existing land use map. I have been saying that since 1990. Everybody says, "Yeah, that would be great idea." But, it would actually address these issues that are coming up. My whole neighborhood is zoned rural residential and there are no one acre lots in that thing. So, somebody put a yellow blob on our neighborhood for some reason at some time.

Gutcher: Well, the difficulty with Gadsden and existing land use is that the existing land use relies on the property appraiser's tax assessment. If you have 20 acres and you are not using it for farming and you have one home, it will still be taxed as a single family residence and not an Ag use.

Lasley: If you are not doing agriculture, why wouldn't you?

Gutcher: That is what I am saying. Gadsden has always had this very fuzzy line between rural residential and agriculture uses.

Lasley: We could work on getting everybody on the same page because they are certainly

not.

Bouie: So any citizen has the right to apply for whatever category they want. If a person has 20 acres and they are not aware that they could be agriculture, we can't make someone.

Nunamaker: There are substantial fees involved.

Youman: They are prerequisite, too. I have property that I am not farming on and for me to get Ag; I had to plant trees on it. There are other criteria for me to keep it there.

Henderson: That has taken us down a rabbit trail for constitutional exemptions in taxes. But, in dealing with what is in front of us today, I understand we can tell people, "Hey, you can come to us." I think the problem with that in saying, "You are welcome to apply to have your designation changed." No. 1 – a lot of people are not going to understand the difference. No. 2 – that puts a couple of extra barriers to buying agricultural property or buying property in Gadsden County that you want to use for a hobby farm. I know that we definitely want to continue to encourage people to want to live here for a slower lifestyle.

That would be my question with that Subsection C. I don't have concerns with a lot of the things that go on in subsection C to set up specifications on keeping equines. I just have a problem with jumping straight to banning livestock. You also don't want somebody with a herd of 40 cows on a six-acre parcel. I have racked my brain with it since September. I have the front Code on the iPad and it is highlighted in two different colors. I have not been able to come up with definition by myself that works.

Bouie: My concern is that I think that the original complaint that came before the county commission was a 2-acre residential neighborhood that suddenly used horses. They were riding them.

Henderson: In that situation, they should have. They were a nonconforming use and should not have been able to do it on 5 acres or less under the current regulations without coming to the commission to ask.

Bouie: If we have the size requirement and the buffer requirements, then the typical things like smell and all that shouldn't come into play. If we do buffers and minimum lot size –

Henderson: Would you allow though – What we are doing now (proposed) is we are looking at a situation where you can do horses, but, no other livestock. But, we are coming from a situation where you can have livestock if it doesn't smell. How do you handle still allowing people to have livestock (goats, cows, potentially pigs,) I suppose we could decide pigs are per se smelly.

Bouie: But, I keep my pig inside.

- Henderson:** I know somebody that does. I know that it is being species bigoted, but,
- Bouie:** I am not so concerned about species as I am lot size and buffers.
- Henderson:** What I am looking for is some ideas on how you can still allow a minimum or a “hobby farm” and that is where my problem is. Help me out here, people.
- Gutcher:** We still have the fundamental problem with the map. I think you can have a hobby farm. You just have to do your due diligence before you buy property to know that you can do on your property what you want to do on the property that you purchase.
- Bouie:** O.K., but, we should still be able to tell them what that is. Right?
- Bright:** Madam Chair is it possible to limit the number of particular animals since we are not trying to get them to get rid of their animals or their noises. If we say, “3 goats, or 3 cows, or whatever” and be specific enough so that someone would know. If I have this parcel of land, I can have this many cows, this many goats, and once I am over that limit, that is it. They can’t have anymore.
- Gutcher:** We do have a density for animals. It is No. 3 and it has to do with the maximum of eight (8) per property. I thought at one time we had a ratio of equines per acre.
- Henderson:** We do. It is in there.
- Bright:** I am not just talking about equines; I am talking about all of that stuff.
- Henderson:** Can we change it to be any livestock or farm animal per acre? In other words, you can’t do more than 8 total.
- Gutcher:** I understand Gadsden’s unique situation. As a land use planner, I am cringing because I feel like as a residential subdivision property owner, I bought into that subdivision not thinking that there will be two cows next to me. That is just me as a planner.
- Henderson:** If we do change it to where it says you can have in rural residential areas a certain number of livestock per acre, then if you have done your due diligence, you will know that there is a possibility that in that subdivision that is designated rural residential on that future land use map, you could have cows next to you.
- Gutcher:** There is nowhere in Gadsden County I could live without that nuisance next to me. Not out in the county.
- Bright:** You could live in town.
- Gutcher:** It is a decision that Gadsden County needs to make on how they want to be.

Henderson: At this point, I have a problem with taking us from where we can currently do it to the place that is proposed here. I think a lot of the other stuff in here is really good concerning the runoff requirements, concerning berms, keeping it out of the septic tank – I think all of that is really good.

If we adopt it exactly as it is written tonight, there is nowhere in Gadsden County that you can live other than an acre. If everybody around you is an acre, you are going to have a hard time meeting the rest of the requirements to have horses.

Gutcher: No, you could live in the agriculture areas. This does not apply to the green on that map.

Henderson: If you wanted to live somewhere where there were no horses, where you could not have horses next door, if you buy in a subdivision where your lot is one acre or smaller, you are probably going to be pretty safe from having horses next door. By the time you get done with your surface requirements and your primary home and your setbacks, you are not going to have room to put them there. Not if it meets all the requirements.

The way that it is currently written there are some places where you can do that. If you buy a rural residential lot now, you are not safe from having horses next to you anywhere in the county unless you go and complain that they smell. You now have the power to take away your neighbors livestock. That would change. You would not be able to make an arbitrary complaint. I have a problem with that and the way it is written. I also have a problem with the way we are doing it here.

Bouie: What I am suggesting is an equation that acknowledges the minimum land requirements for safe keeping of the animals, for the waste removal, or care of the waste from the animal. We did an in-depth equation it could develop into one of the policies.

Nunamaker: We should do that in any ag zone, though, or any zone.

Bouie: This is what has been brought before us and I am saying that I am with Libby. We can't have a rule that allows a citizen to come in say, "Oh, the odor." I am trying to critique it so that

Henderson: I think we've got it here. If you look at page 9-3 though, I think that a lot of the things that you are talking about that you would like to see are there.

Bouie: It is.

Henderson: I think we are there and you might want to add a setback. All my suggestion is like right here, we've got the minimum area of the property (...inaudible). We've got a maximum of eight (8) equines per property. All I am suggesting is that we set it as a maximum of eight total livestock (members of the livestock family)

Nunamaker: Is that per acre?

Henderson: It says per property here. A maximum per property. Anywhere in rural residential, you cannot have more than eight.

Nunamaker: If you have ten (10) acres in rural residential or if you have one (1) acre in rural residential, it is a big difference.

Henderson: If you adopt this as it is written you can't have more than eight (8). If it is smaller than that, you've got some other requirements in here. You can't have more than two per acre. So, if you've got smaller than a 10 acre parcel.

Nunamaker: I have a problem with this whole deal. We have a future land use map. It is actually a current land use map, which doesn't jive with the county's designations. We are doing all this stuff. We need a current land use map and we need a future land use map that is going to fix all this stuff.

Why are we doing all this arbitrary, well not necessarily arbitrary, but, being very specific about rural residential conditions when they don't make any sense on the ground. We need to fix our map.

Henderson: The problem is what we have before us today, we have to decide today whether we toss this potential "re-do" out altogether and go back to the drawing board and do something different. Or, we have to adopt this one with some amendments.

What we have before us today doesn't allow us to change the map.

Bouie: I asked a question earlier and a citizen is begging to answer me. Is there any way you can acknowledge her now?

Cave: Thank you, ma'am, I didn't have ants in my pants, I just have a few comments that I felt might benefit the board.

I took a few notes here and I might just run down them if you don't mind. Obviously they deal with this issue.

As far as the fence buffer, I like your comments and the way you are thinking out of the box about what we can do to mitigate the smell. But, still, you don't have the independence and the ability of the home owner. I do think having a barrier and fence outlined in number 7. Maybe the solution that you are looking for that is affecting most land owners or smaller farm or hobby farm. You have a small area, so you are trying to capture all of the free food you can such as the grass. Most land owners do fence right on the property line. I think you are going to get some feedback from that.

I think Number 9 that you have outlined here – To avoid the breeding of

rodents...and controlling the waste not within 100 feet of the property line. That is definitely a solution that can be implemented. I know that is something that I do personally at my house. I keep all waste. I shovel it up and move it to a place that is not anywhere near my house or my neighbors. I think that is the best solution that I can think of.

I like what you said, Mr. Nunamaker about the dog. I have a neighbor whose dog fence runs right next to my house. That dog barks all night and loud. That noise isn't mitigated. So, how does that relate to my silent horse whose manure I just trucked off? I feel I am punished for something. There is a dog right there on his owner's property, but, his barking is a nuisance to me similar to the way that the smell of horses and livestock is to others.

As far as expectation of your neighbors, I mean if you are looking at rural residential zone as I am, I think your neighbors have expectation. We are in a rural area. We are in a rural county. It is no surprise to anybody here. We are a rural county and we have horses, cows, and a variety of livestock.

I think a solution for smaller lots should be zoned to have no livestock. That would make sense. I appreciate this body moving toward regulating this so that the solution isn't "if you smell, get gone." I appreciate that. I am not just complaining. I understand your willingness to make progress.

As far as Ag zoning, I wouldn't have a problem with moving my home to agriculture zoning. Are there any tax implications that ag designation? Does that mean you will be receiving less ad valorem taxes or is that not an issue? That is just a question in my mind.

Bouie: I think you have to have a minimum of 10 acres.

Henderson: And, the two things are not tied together. The way you are classed with the property appraiser's office is ag and entitled to the ag exemption, I believe, is independent of the land use designation.

Nunamaker: It is very different.

Cave: That is just a question I wrote down because I wasn't sure. Thank you.

As far as the recommendation of the maximum of 8 animals for the hobby farms. I agree with what you are saying. But, if you have 10 – 20 acres, the eight maximum sounds unreasonable. Perhaps a solution would be 1.5 livestock per acre. When I think about, I use my land very carefully. I use grass, we seed, we (inaudible) so that we don't overuse it and over graze it. I think a reasonable person could accept 1.5 livestock animals per acre. If you think about it, 6 goats on 3 acres is not very much. The same thing with horses. I think one per acre is very conservative in my experience of 35 years of living on farms. 1.5 might be a better approach and better fit the Gadsden County lifestyle.

Nunamaker: That half an animal is going to be very difficult to maintain.

Bouie: So, you can always be expectant.

Cave: It is cheaper to feed, he eats less. I think making it two would be a little more liberal, one is more conservative, which is what you want to be. That is your decision because you are the decision makers.

Youman: If you try to graze more than one cow on that acre of land, you have to have a good check book or you work at a job where you have a lot of money in your hip pocket.

Cave: Oh, yes, sir. I have round bales of hay and cow licks out there so that they don't overgraze the grass.

Youman: I am a cow owner and you need a good acre of land to raise a cow and keep them fat. You don't want something that the wind is going to blow down. So, a person that has one acre of land with a house on it, one cow is about all he can afford on that land.

Cave: Is there a minimum number of acres on which you can have livestock in Gadsden County?

Henderson: Right now if you are going to be under five acres, you are supposed to have to get permission and that is specific to equine. You have to get a special exception use from the county commission. I don't think very many people do, but, you are supposed to.

That takes us to a different part of this proposal in that subparagraph 3. It reads, "For the purposes of calculating the number of equines, the property shall consist of all contiguous property subject to common ownership, regardless of the number of tax parcel identification numbers assigned to the entire property. "

So, you could have 50 acres and still be restricted to 8 horses. In that case, I am assuming that you would have to come here and ask to be changed to agricultural. That is ridiculous. The longer we talk about it, and I know this is a lawyer thing, the more problems I do see with the way we have it proposed. I do have concerns. One of the things that I think most about under the Statute under which I currently practice is that they adopted. In this particular instance we have a land owner with a problem and then you end up revamping the whole section from that prospective and I don't think that makes good law.

Now, I hate the places in my Statute where it has been done and if I have the ability to tear mine apart and fix it, I would. I have some real concerns about this and I know the easy answer is to say, "Well, people need to come and have their use changed." For a lot of your citizens, that is going to be fairly routine answer for an insurmountable task.

Right now, we have to change the future land use map and it has to go through Florida Economic Opportunity. It is no longer DCA. I am so old, that is what I keep thinking. You could start the process now and become agricultural and all of these restrictions pending would not apply to you. But, I think that is a pretty big burden to put on people in this particular county.

I have some concerns about just about everything under Subsection C. I don't know where that leads us.

Lasley: I have a recommendation. Subsection C – Keeping of Livestock. That first sentence – “The keeping of livestock on property that is not designated as Silviculture or Agriculture on the Future Land Map is expressly prohibited. “ So, let's delete that in theory. And then start that with “Livestock may be kept on property designated as rural residential subject to the following conditions: 1) was discussed earlier – “A parcel that is designated as Rural Residential and is not a part of a platted subdivision” – so, if you are not in a platted subdivision, then you could look at how many acres you've got and see how you fit in there.

If you are platted, which I am platted, I have 4.3 acres. We also have covenants that allow for everything except for pigs. That is my particular situation.

Henderson: You could change “equine species” in that paragraph to “livestock.” That way, if any platted subdivision is welcome to ban it.

Nunamaker: Within their covenants and restrictions.

Bouie: Question. If we don't have any, could we (inaudible) it to get restrictions?

Henderson: But if it is a platted subdivision that is not specifically for the keeping of livestock, in other words, it is not a subdivision that would be platted as an equine subdivision (there are several of those in Tallahassee) or specifically a hobby farm subdivision, any other platted subdivision, if it is a basic subdivision, you can't have it there. That would solve the problem I think that you have referenced tonight.

Thank you, that is very good way to look at that.

Lasley: So, that is one thing. I personally would default on my homeowners association rather than be denied the ability to have it. I would be taking my documents into the county and say, “I am allowed here because of my covenants and I would like to be protected for that because we don't conform to the rural residential lot.”

Henderson: Then in paragraph 2, “equine species” would be changed to livestock. You would have the same thing. What we have been talking about here is a hobby farm situation and not a commercial cow or pig farm.

Wherever there is equine, let's change it to livestock.

I am not necessarily comfortable in defining property of all contiguous pieces. If I buy all the lots in a subdivision and they all belong to me, I don't think I should be restricted to only 8 animals in that situation.

Nunamaker: I think it should be acreage.

Henderson: Per acre?

Lasley: What are the dimensions of an acre if it were square?

Nunamaker: 20875 roughly. 20871

Henderson: He was saying that for cows, one acre is sufficient. For horses, it is typically calculated as 2. If it were goats, it would be a whole lot more. So, does the commission have something to suggest as the maximum no of quote, unquote livestock units per acre?

Cave: Just let me add one thing to my comments and then I will get out of your hair. I appreciate your consideration. I will summarize just real quickly. On number 2 – I do have concerns about limiting the breeding. I know that some hobby farms do have cows and horses that they do like to breed. Not, necessarily for commercial uses. I just wanted to make sure that I made that comment.

As far as the limits of animals. To feed a cow, surely one acre is ideal. But a lot of people do it more densely with hay and feed. So, I just don't want to get too close to that restriction of 1 per acre.

My other comment would be as far as the fence being a certain distance from the property line. That is a concern I had.

Mr. Youman stepped out of the meeting at 7:57 p.m.

Henderson: Just one minute. We have lost our quorum.

Mr. Youman returned at 7:59 p.m.

Henderson: We have now gone back to having a quorum and the meeting can continue. We have had a suggestion down the way to consider, perhaps, having the staff rewrite this. Do you mean just Subsection 9003?

Bouie: Yes.

Henderson: We will address the other sections with which we have problems in just a moment. Are we talking about throwing all of 9000 out until we feel better about it? I don't know that any of us want to be here all night.

Lasley: We made some changes in the first section. I had some comments on the home occupation, which we haven't gotten to. Then we will have some changes in this.

So, I would like to see the whole thing rewritten and presented again.

Henderson: And she was going to have some comments on fences, which, is actually Subsection 9004.

Bouie: Question. May we send our suggestions to staff?

Henderson: There is a question. How do you guys want to do that? We have certainly had a problem getting us here to have a meeting where we actually take action on a noticed meeting. So, we have not had a whole lot of success in getting to do workshop stuff. Once it gets to past 8:30, we all get ready to go home. It is 8:00 p.m. now.

What is the most efficient way for us to communicate with staff when we have comments like this so that staff can maybe consolidate them and then bring them back to us?

Lex: Each of you individually may direct any of your comments to staff as long as it is independent of each other with no exparte communications.

Secondly, I actually, in listening to all of this really would like to receive some input from stake holders in your community. Let's try to have a better understanding. This is only my third month here. I very much hear what you are saying. I prefer that we take a more comprehensive look at the whole section. So, if you do have any comments that you want to finish up now or in writing to us, either way will be fine.

Henderson: I think that the minutes for the September meeting, I think the minutes do a pretty good job of summarizing. We had a number of people from the public speak that night. I think we had a lot of people scattered from around the county. The room was pretty much full. We had people from Reston. We had people from north of Havana. We had people from Sycamore and all these places where there are yellow blobs on the map. I think there are a lot of little comments strung in there. Mostly, it has been mostly as Ms. Cave has suggested her tonight. They are saying, "We moved here for this reason."

One of the things that staff has included here that I do really like is if you are part of a platted subdivision where it is stated in the covenants and restrictions that no livestock is allowed, you can be free from livestock. I think that takes care of the questions and concerns that Ms. Gutcher brought up. Otherwise, there would be no where in the county where you could buy land and expect to be free of livestock. That actually creates a good situation. You can look at it and decide if that is the type of subdivision that you want to buy in or not. That is a very good provision.

I have stared at it and hashed it around and couldn't come up with anything. Ms. Lasley did a good job in getting me kick-started on some ideas. I feel like now I can take my red pen and make some suggestions and send it to you.

I would like to encourage everybody to do the same thing. We cannot go to lunch and do this. We cannot discuss over emails. I have some concerns about it and it sounds like everybody else does, too. I will say on the record, it does not necessarily apply to me. Even though I live downtown in a municipality, I am within the city limits of Greensboro. So, this is not necessarily going to affect me. I am in an agriculture zone for Greensboro. I can put up a shed that is bigger than my house, which is a good thing. Almost every shed I would want to erect would be bigger than 50% of the square footage of my house.

If I happen to live outside the city limits of Greensboro, we would have a great big round yellow blob right where the city limit ends past the railroad tracks. That is a chunk of residential that for all intents and purposes is pretty agricultural. I think that anybody who would erect something there would have a problem under this subsection.

In any event, do I have a motion that we all take it home and mark it up with our red pens and get with staff individually?

Bouie: So moved.

Youman: Second.

Lasley: We have other parts of this to discuss.

Henderson: What I was looking for was a motion on was actually do tonight for the entire section is to make our comments on all of Section 9000. That is what I was asking for a motion on. For the entire thing. That we mark it up with our red pens.

Youman: Right.

Bouie: Would you like for me to correct that, Madam Chair?

Henderson: Sure.

Bouie: Madam Chair, I am offering a motion that we, as commissioners, write our comments and suggestions for changes for Section 9000 and submit them to the staff so that we can move forward.

Henderson: Do we have a second?

Bright: Second.

Henderson: All in favor?

All: Aye.

Henderson: Motion passes.

Lex: I want to make sure of one thing. As you consider your comments (and you like that section about the homeowners covenants and restrictions) that the county does not enforce them. They do not inform the public about them. So, therefore, that responsibility is completely out of our hands. I just want to make sure that it is very clear that burden would be on any property owner or purchaser.

Lasley: That does go with the deed, is that correct?

Lex: Again, I think that David would have to speak to that.

Attorney Weiss: It is not our jurisdiction. We don't have enforcement authority over the covenants. They are completely separate and apart from anything that the county does. The county is not in that business.

Bouie: They would have to take a civil action for anything to be enforced. By another body, not the commission.

Nunamaker: Ms. Lasley, you meant that it goes with the land and not the owner.

Lasley: That is correct.

Nunamaker: We have an affirmative on that.

Attorney Weiss: Covenants are on the plat.

Henderson: Unless they expire. But, that is a whole other issue.

Lex: I know you like that section and I do, too. But, I just want to make sure that it is very clear that the county has no role in that.

Thank you.

Bright: Madam Chair, I make a motion that we take a five minute recess.

Bouie: Second.

Henderson: All in favor?

All: Aye.

10. **Public Hearing Chapter 5, Development Standards (LDR2018-8)**

Gutcher: Yes, this is an introduction to what we are changing in Chapter 5, a little bit in 6, and then 7 & 8. 7 & 8 are coming forward to you soon.

This is just the first portion of Chapter 5. It is not the entirety of Chapter 5. In order to move things along, this is the first portion of chapter 5. It is titled Development Standards. My first goal in looking at this chapter is to try to stick to the topic of the title, which is Development Standards and move some of the issues that are not development standards out of the chapter. You will see a lot of strike-thru in the beginning because there were some issues in here that are now going to be more of a zoning issue rather than something that will pertain to a development standard.

As we are going forward, and if we can get to it tonight, Chapter 4 will have a lot of the particular standards as far as setbacks and how you are going to develop inside a certain zoning category. So, that language was stricken in here. There is some language about home occupation also. As you know, that was just moved to Chapter 9 as far as accessory uses. There is a lot of deletion here, not because it went away, but, because it went into a different chapter.

We are trying to streamline to help make this more easy to understand. That is the direction from the county commission. We have some compatibility standards that we are introducing as far as what we are looking at when we mandate a compatibility analysis. We have that requirement in the Comprehensive Plan. We want to have standards that are consistent with what we expect and let the applicant provide to us when we are looking for those.

The nonconforming uses and structures section is currently in place. There are a few tweaks just to help clarify the language, but, not much really changing there. In addition, The Condemnation Relief Section, which is on page 7 of 105. The reason that it is 105 pages is because it is only the first portion of the chapter.

We really don't get into much of a change other than the deletions, which have just been moved around until we get into the recreational vehicle parks and campgrounds. Actually, this was moved from Section 5900, which is at the end of the current chapter. I am now on page 20. Again, residential standards will be in the zoning Chapter 4 in addition to commercial standards and then intensities and densities.

We are adding a portion on page 29 called community residential homes, which is essentially a reflection of what Statutes dictate in 419. This is talking about (on page 29 at the bottom) community residential homes, which is usually something that is six or fewer homes residents. Certain types of licensees are granted permission to live in residential areas. They have certain restrictions. The Statute covers it pretty well. This is mostly a reflection of what the Statutes say. There is a density requirement there and they have to be a certain distance apart.

David had recommended some language change just to clarify not really contextual in Part C on Page 30. To rephrase the first sentence, but it essentially says the same thing. I think that we will go with it. It will say that "each licensed community residential home will occupy only one structure." Then "the house may have only six or fewer residents."

As another editorial note, Part E of that subsection is a repeat of Part A, so we will delete Part E. That is all we got to for this first portion.

Lasley: Madam chair, can we look at this page by page, please.

Gutcher: 5001 on the first page. We wanted to reword that to state, "The purpose of this subsection is to provide standards (not guidance, but standards) and then scratching out "administrative and/or legislative evaluation" and inserting the word "consideration." So the purpose of this subsection is to provide standards for consideration of applications for new development.

Lasley: How about guidance standards?

Gutcher: I will let David answer that. Guidance has a different meaning than standards.

Attorney Weiss: Yes. Guidance is "wishy- washy." Standards are very clear. These are your standards that you have to follow. The purpose behind this striking of "administrative/legislative" is because you leave out the quasi-judicial by doing that. So, you need to either strike that and say that it applies to everything or you need to add quasi-judicial somewhere. It is really not a major change. Those are the reasons for those changes. It is just to have language that is very solid in terms of meaning. If you start talking about guidance, I can sit here and argue about guidance all day and whether you actually have to do what it says or if it is just guidance.

Lasley: My argument is with the word "consideration." I don't have any problems with the word "standards." Is it standards for review or proposals. It is standards for what we are going to consider. We are either going to either think about doing it or we are not we are not going to do it. It seems not definitive.

Attorney Weiss: I don't have a real strong position on that. My thought is that you are providing standards that you are going to consider when you are considering these applications. But, if you would rather stick with "evaluations," I don't have a real strong preference on that.

Henderson: To address Commissioner Lasley's request that we go page by page, the chair does not have an issue with that, however, I think we have a lot of pages where things have been struck and moved and I don't know that we need to go page by page on absolutely everything. I think that if you have specific points that are in here, (I know none of us want to be here all night) and we have two workshops that follow. With that in mind, I certainly don't think that we mind addressing issue by issue, but I don't know that we want to take it page by page and dissect every line. I think we have a consensus on that. These are great crackers, but, I think we all want to eventually eat dinner.

Lasley: Shall we go.

On page 4, Subsection 502 – the third line down. The amendments with existing development shall be considered as required by this code. Again “considered” seems subjective to me. It seems to me that it allows for dismissal.

Gutcher: I think that consideration is the application that is coming before you. Just like the thing with the map amendments that you voted on earlier today. You were “considering” them. You made a recommendation to the County Commission.

Henderson: Just before the commission’s edification, I will address the county attorney with that. Is there any particular legal meaning to the word, “consideration,” that would allow for a different treatment than the word “addressed?”

Attorney Weiss: In this context, I don’t think so. I think you are obligated to consider these things and address them. I would think that they would be pretty synonymous in this context.

Lasley: In “C” of that section, “residential densities and housing type” “type” needs an “s” In number “F”, again, we have this whole issue of tax codes. So, “The future land use and zoning analysis shall be that which is listed in the tax code.” What does that mean? What is the tax code list for properties?

Gutcher: The property appraiser, if you go to the county website for the property appraiser and you click on your parcel, it will tell you the tax code number and the name of the classification to which your property is being taxed as, whether it is a mobile home, single family residential, multi-family etc. That is pretty standard in the planning profession; to use as your existing land use category. That is the best available data other than somebody actually going out and doing a windshield survey. That is pretty time consuming. It is possible, but, usually we rely on the property appraiser data because they do that. It is part of their job to go out and inspect the homes and they know what the use is on the property.

Lasley: So, say a property is silviculture; yet there is a residence on that property. What is that going to show?

Gutcher: That is up to the property appraiser in how they are going to assign a category. I don’t have any knowledge on how they determine it. It is just our best available data and we are just trying to develop a methodology for the applicant to follow when they submit a compatibility analysis.

Lasley: So, you don’t know that every residence that is in the county is going to come up on the tax code?

Gutcher: The property will come up on the tax code. It is just that how the property appraiser assigns the category is up to the property appraiser.

Lasley: O.K. but what I asked about was residences. I asked about who were living in homes. That is what I am concerned about. That is

my deal.

- Gutcher:** Well, if they have a ag exemption, then they might not show up as a single family residence on the tax code.
- Lasley:** Again, the existing land use is going to be much more important information than anything up on the wall that somebody blobbed out there.
- Gutcher:** I don't know to solve that problem unless the county would like to send someone to do windshield surveys.
- Lex:** Excuse me. To that point, if we were required to do that, we could not even with certainty say that we have assessed what is on that property. You may not be able to see it. There could be a six foot high fence. I have no reason to go behind locked gates. To use that as evaluation, it is not going to be consistent in any fashion. I would say that it is not something that I would defend in a legal court.
- Lasley:** I agree with that. I understand that it is not the planning department's job. My problem is that the information that you are getting from the tax appraiser, if you are going to be using the tax code for your database and your database doesn't give you the information that you need in that we are looking to protect the citizens in the area. "Oh, well, this house didn't show up, sorry." There is something wrong with that whole way that you are operating.
- Gutcher:** It is the best available data accessible to us.
- Bouie:** I think you are going to have to rely on that because your office would not have the staff to do what the property appraiser has already done. Then you would be duplicating efforts. Your issue is only when someone applies for something, so you wouldn't maintain other properties who were dormant for application right now. You are doing the best thing available.
- Lasley:** Moving on. The next one is "G". It deals with offsite impacts that are going to occur from unlawful development or something. Your statement is, "A statement as to whether the project will emit" and I would like to add, "for example; excessive noise, smoke, glare, odors" because you also have runoff, egress and ingress, safety and privacy" that have not been addressed. There could very easily be issues. What you listed here is not an inclusive list of all the impacts that the citizens can state as being problems that they might have with this development. So, somehow, that paragraph needs to allow for things that are not listed there. You can't limit compatibility to just these five issues. You have to include all the other ones that I listed plus whatever somebody may come up with during the course of the application.
- Gutcher:** I think that it is important to list what you want them to tell you. I don't think it is a good place to be that there is an arbitrary decision on who thinks what is a nuisance. I think ingress and egress is a good addition to part G. We can certainly add that if

that is something the Planning Commission would like to recommend. Can you go through some of the other lists that you made?

Lasley: Runoff.

Gutcher: There shouldn't be any. It should be self-contained on the parcel.

Lasley: Safety. Privacy.

Gutcher: What is private to me might not be private to you.

Lasley: I would go for Ingress and Egress.

Nunamaker: Are you talking about the number of vehicles coming in and out of a project?

Lasley: Well,

Gutcher: That would be traffic generation.

Lasley: My thoughts are for example the mining that we just approved. Not tonight, but, before on 267. I personally think that they need a turning lane into their lot off of 267 for the trucks. Just to make it safe. Maybe another lane when they turn left. They will all be turning to go north. So, that kind of thing.

Bouie: Those types of issues are considered by the Department of Transportation, I thought.

Gutcher: Whether they need a turning lane?

Bouie: Yes.

Gutcher: It can be a local standard, but, it usually depends on the amount of traffic and the type of traffic, too. But, with a long semi, it takes longer to slow down. But, generally, it is the number of trips.

Lasley: If nobody has anything, I have something on Page 6.

It is "E" close to the bottom under "Conflict." If you will, explain that section to me. "The provision in some other portion will prevail over this one." Why would you do that?

Gutcher: It could be an issue where you are trying to protect like an environmental future. That might take a precedence that would take hierarchy over this subsection.

Lasley: The other thing is that this is the Land Development Code we are talking about, right?

Gutcher: Yes.

Lasley: So, anybody can get a variance on anything.

Gutcher: That is not how it is written. I think it has to be a bulk regulation.

Lasley: So, why write this if it doesn't stand? I mean, why not write something that addresses – why would you write this and then say It doesn't apply?

Attorney Weiss: It was probably geared toward – there is something more specific somewhere else, right? If there is a specific regulation that addresses it rather than this more general regulation. Maybe that is what it should say. I assume that is the intent.

Bouie: That does make sense. Why did you put it in there? You would assume you were making decisions based on your own standard, so why would you put that in there?

Gutcher: Yeah. This isn't language that I added. This was already here and if you want me to delete it you can. But, I am trying to think of a specific situation I can and historic preservation as an example would be a good one.

Attorney Weiss: When you are talking about nonconforming, you may have another section that is specific to certain nonconformity. This is your general application. Anything that is nonconforming, this applies. But, you may have something and I think we actually kicked this around a little bit when we were talking about the horses, the equine and the livestock stuff – about putting something specific as to legal nonconforming livestock uses. So, that would apply. That is the idea. It may need to be reworded to say something more along the lines "In the event, there is a more specific provision in this code, that specific provision would govern rather than these general rule.

Lasley: Yes, I am more comfortable with that. A more specific provision. Ya'll jump in anytime.

Page 8 – Subsection 5008 Number D The numbers reflected there are 5004 A – is that correct?

Gutcher: 5004 A is Nonconforming Uses Public Hazard. So, subsection

Lasley: It basically doesn't go in a round circle for me. Then again, it could be a threat"shall not apply." So, if they shall not apply, then it can be a threat to general health, safety and welfare and they can expand. So do we need like a 1(a) or A(1) on Expansion and Extension so that we can signify that. So, on page 5

Gutcher: I think it should be A – Public Hazard; B- Expansion or Extensions; C- Modifications of Use

Lasley: Or you could do A (1) however you want to do that.

Gutcher: I think the number just got separated.

Lasley: Just renumber it. So, we are going to change that to 5004 B and B will be the Expansion and Extensions
O.K.

The next page, page 9. Number E

You have "Proof of Use" and the other evidence is deemed relevant and reliable by the planning official. Having gone through so many planning directors in my history, I feel that is too subjective.

Gutcher: The reason why this line (Part E) was added had to do with the topic earlier in the discussion tonight on the equine and how to accrue how that horse had been there for a certain amount of time to say that it was a grandfathered use. In order to capture that, you can't show a utility bill, you can't show insurance damage. There has to be a way for someone to show that the horse was there for a certain amount of time. That is the reason for this part E. Certain specific circumstances, the planning official can say that this is the type of evidence that we will take. We can't think of everything in every situation. It is just to let there be a way for the planning official to take other types of evidence.

Lasley: O.K. And that is applying to occupancy of a nonconforming use or structure?

Gutcher: Yes. You had to be there with the horse. How are you going to show evidence of the horse?

Henderson: **If we are going to make some changes, do we want to include livestock, we will need to change that wording from equine species or equine residency to livestock. It should be livestock anyway because you are going to have people now that have livestock that under the new thing would be a nonconforming use. So even if we don't change 9000 to include livestock going forward, it needs to say livestock here because they are saying it currently. Does that make sense?**

Lasley: **You are talking about F. O.K.**

Henderson: **That gives specifics about what the planning official can consider for vesting uses.**

Bouie: Is there anyone we can forward our suggestions to staff?

Henderson: **For the purposes of keeping livestock in rural residential zoning district may include history of residency or an established agriculture exemption.**

Henderson: **I think what we just heard, to interrupt Commissioner Lasley as she is going through this, we just heard a suggestion that we treat this like we did 9000 and provide written information to staff instead of taking it apart tonight. I am assuming speaking for you that it would be in the interest of getting done sooner and not be in**

here until 11 p.m.

Gutcher: If I can take some liberty to just suggest a change of equine species to livestock and remove the second equine word. Proof of use for keeping of livestock in rural residential zoning may include history of residency or an established agriculture exemption as assigned by the Gadsden County Tax Collector.

Henderson: That is the exact note that I had made. I guess what we had happen here, which again is interrupting you as we are going through, is a suggestion, not in the form of a motion at this time. That would essentially table this issue until our next meeting. And we will have provided these types of details and comments to staff. Is that what you are suggesting?

Bouie: Yes, Madam Chair.

What is the will of the body?

Youman: So moved.

Bouie: Second.

Henderson: All in favor?

Bouie Aye

Bright

Youman

Nunamaker

Henderson

Scott

Henderson: Opposed?

Lasley: No.

Henderson: The motion passes 6 – 1

Lasley: So, we will discuss this again next time?

Bouie: We have asked that we each go through it as you have done and give our recommendations to staff. When we come back, staff would have incorporated them into the document that we will see next time.

Lasley: There are only two issues on here left.
The one we probably discuss is the mobile home parks and the recreation vehicle parks.

Henderson: We have voted to continue it to the next meeting. But, at this point, I suppose what we've got is an option to go ahead and finish because we might not be here that

much longer. So.

Bouie: Do we have workshops after it? Is there more?

Henderson: Yeah, we had two workshops.

Bouie: O.K. I stand. I have children to go home to. No livestock.

Lasley: I would rather finish this and then do something different with the workshops. We are not going to get through those either.

Henderson: We have a motion to reconsider our motion to table this essentially. Is there a second on that?

Nunamaker: Second.

Henderson: I will call that to a vote.

Bright: Discussion.
On this particular motion that is being presented, I just want to make sure I am clear. If we take the motion to continue this particular thing, does that mean we are going to table the workshops for another day and time?

Henderson: That is the way that I understood Commissioner Lasley's motion.

Nunamaker: I don't see why we combined it anyway.

Henderson: Because we can't get people here.

Lasley: At a workshop, you don't have to have a quorum. Whoever shows up shows up.

Bright: Yeah, you can't really vote on anything, you just discuss it.

Nunamaker: We need to have a workshop in a couple of weeks or something.

Bright: O.K. I am clear.

Henderson: So, you are clear on that?

Youman: I am clear.

Lasley: I make a motion that we continue going through this chapter 5 and try to complete it tonight and then table the workshops for a separate meeting just to do workshop issues where the commissioners that can attend will attend and we don't need a quorum.

Nunamaker: Second.

Henderson: All in favor?

All Aye.

Henderson: We have a unanimous motion.

Lasley: On page 19. We are dealing with manufactured and mobile home parks and recreation vehicle parks. Currently and historically mobile home parks are rental units that were only allowed in commercial. O.K. that is where we are coming from. Recreation vehicle parks are in a new category. They are going to be rental lots that somebody can be in for six months.

Subsection 5101: first section. These parks are subject to administrative site plan review as a minor development order. Does that mean that they will be approved in the office and there will be no public hearing?

Gutcher: Yes.

Lasley: I do not agree with that at all. I think that will not work at all. These are very intense situations where people need to know what is going on around them.

Henderson: To that note, just out of curiosity, we dealt with the issue. No, that was actually a change of usage where they were trying to put in a mobile home park down at Lake Talquin. Would that have been different because that was actually a change of the Future Land Use Map change. Would that have been a situation that would have allowed that to have been approved in office without a public hearing?

Gutcher: Anytime you are changing a Map, it is required to be a public hearing and you go through the public hearing process.

This would be a situation where if it was allowed by right in the Future Land Use or the zoning category (if that comes into play) then they would not have to go through a public hearing because it is a use by right. They would just have to meet the criteria.

Henderson: So, would that have affected that situation where he was trying to put one in next to a subdivision and he was not allowed by right on the Future Land Use Map.

Gutcher: I am not familiar to the case, but, if they had to do a map amendment, then they would have had to come through the process of a map amendment.

Henderson: So, in other words, this doesn't allow you to approve one if it is in the middle of somebody's subdivision.

Gutcher: Unless they have the proper land use category or zoning district, then yes, they could. I think we have that written in the zoning – that it has to be in general

commercial. It has to be in general commercial in Chapter 4.

Lasley: We don't know that right now.

Gutcher: It is coming forward to you if we have a workshop.

Lasley: So, you are telling me that it has to be commercial?

Gutcher: I am telling you that is how it is written in Chapter 4 right now.

Lasley: O.K. alright. Now, I am o.k. with that. I, personally, would like to see some more water and sewer restrictions on these things.

On page 20, we do actually have them. O.K.

So, "G" states that the mobile home parks will be on central water and sanitary sewer systems – whatever they can come up with – whatever kind of sanitary sewer system they can come up with. What are the chances that a variance could be approved for that?

Gutcher: It is my recollection (and my Code is out in the car, I am sorry that I didn't bring it in, but the variances that you are allowed to get in Gadsden County are only for bulk regulations – setbacks, height, impervious surface, and they have to have a reason. There has to be a hardship.

Lasley: There could very easily be a hardship. "I can't afford it." How many times have I heard that?

Gutcher: The septic system wouldn't be a variable request.

Lasley: "M" is accessory structures, which is one house plus all the other structures that are around as long as it meets the setbacks – is that correct?

Gutcher: Correct.

Lasley: O.K. The next section is 5102. Recreational Vehicle Parks and Campgrounds.

I would like to know why this got changed (inaudible) to two.

Gutcher: So that you could have an RV Park on a small size parcel.

Lasley: What was the thinking behind that? Did somebody ask for that specifically? A developer or something?

Gutcher: No.

Lasley: So, you want to allow recreational vehicle parks in the zoning districts. We don't

have that table yet, so, can you tell me where these are going to be allowed as a use by right and nobody will have any say-so about it?

Gutcher: If you turn to Chapter 4 Item 12 – Commercial lists (This is number 12 section in your agenda packet) We have mobile home parks on page 4 of 13, which is “commercial zone.” I think RVs are going to be allowed.

Lasley: What bothers me is that if we approve this language, whatever zoning they have a dot on, they are going to appear there and the people next to that lot are not going to know it. Is that correct?

Gutcher: That is true for anything that is allowed within a category. We are showing in the zoning in Chapter 4. “Allowable uses for recreation include RV; improve any type of camping, really.” Just so you know that recreation is an allowable zoning district for RV. So, yes, anything that we have shown in Chapter 4 as an allowable use will be able to go in that category.

Lasley: So, basically, see Chapter 4 is what you are saying.

Gutcher: That is where the regulations are going to be housed to determine what you can put on a piece of property based on the zoning district assigned to that lot.

Lasley: My question was, “Where are RV parks going to be allowed to exist?”

Gutcher: Recreation.

Lasley: In commercial and Nature based?

Lex: Yes. In any category of a nature center.

Just to comment on the two acres, we were thinking that you may have some area where you would want to preserve the natural setting and therefore only allow a smaller area for recreation vehicles.

Lasley: Well, too, what is the standard here per acre? Eight per acre? So, you will have 16 lots on two acres with one house on a well and septic. Or is it restricted to central water and sewer?

Gutcher: We are talking about an RV. Yes, so, there would be no house, it would only be a park.

Lasley: So it is central water and Sewer?

Gutcher: It would have dump stations. Pump out stations.

Lasley: Yeah, but, you have to have a sewer system.

Lex: You can have your service through a pump out service. You do not have to have onsite sanitary sewer disposal for pump outs. There are alternatives to that.

Lasley: I think 16 lots on two acres too many, but, whatever.

Number 8 – “Access to the RV park shall be to and from a paved arterial or collector road. The Board of County Commissioners may grant a variance to allow access to local roads. “I think that needs to be deleted because I don’t think that local roads are the place to locate these things.

Gutcher: The local road is primarily where you are going to have camp grounds. I don’t think most RV parks are going to be back in the woods, right, where they are camping. So, arterial and collectors are the major roadways through Gadsden County.

Lasley: O.K. So, that would be a type 2 process for a variance, if they need a local road.

Gutcher: Yes, it would be a variance and it would be a quasi-judicial hearing.

Lasley: O.K. So, that would come before planning and zoning commission?

Gutcher: Yes.

Lasley: Alright, then I am o.k. with that.

Here it says that all facilities within the recreational area will be served by central water and sewer. I am o.k. with that. Page 21, No. 11.

Let me go on to the next page. Then we have accessory uses. So, again, these are going to be allowed on local roads. So, on a recreation RV campground, you could have a pool, walking trails, rec room, courts, dock, gate hose, laundry facility, maintenance facility, administrative office, residential dwelling and a 50’ x 50’ convenience store. So, you can have all that on a local road.

Gutcher: It is restricted to use by the guests.

Henderson: And, only if a variance is granted. It is not automatic that it can be on a local road. It says that they have to be collector or arterial unless there is a variance granted, which will not be automatic.

Lex: And the access to all of that will have to be internal.

Henderson: I have ridden that ride. Basically, when considering the variance, you have to consider the surrounding use and if it is inappropriate, a variance could be denied.

Lasley: O.K. You won’t believe it, but, I am done with that.

Nunamaker: Do we have areas already designated for recreation?

Gutcher: Yes, some of them.

Nunamaker: Some, but, not all. Right?

Gutcher: Do you mean on the map?

Nunamaker: Yes.

Gutcher: Yes.

Henderson: In the blue.

Gutcher: It is the very bottom category on the right.

Lasley: It is not a lot.

Gutcher: The zoning map will mimic that Future Land Use Map except for the agriculture. What is going to happen is that this map is essentially going to turn into a zoning map. Then, the Future Land Use Map is going to combine some categories like agriculture and industrial and such.

Nunamaker: Are you going to fix a lot of stuff?

Gutcher: That is another job, but, I agree with you. It does need to be fixed.

Henderson: It will be much easier to fix zoning than it is to fix the way you've got the categories on the Future Land Use Map. When you switch to zoning, you can do that at the local level. You won't have to go all the way through Economic Opportunity.

Lasley: O.K. I am on page 29. This is the Community Residential Homes. In reading this, is this also going to be a use by right application?

Gutcher: We don't actually review an application. They just come in and sign the permit from the State.

Lasley: So, there is no regulation?

Gutcher: They have to be a certain distance from each other. So, that would be like city issue. They can't be closer either 1,000 or 1,200 feet to each other. They have to supply a list from the State of where the others are located in the same vicinity. But, other than that, if it is in an area that allows for residential uses, we just sign the permit.

Lasley: So, can you define single family detached housing? That is just a single house as in one house?

Gutcher: Yes. It is not attached to something else. A duplex would be a single family

attached dwelling. Detached isn't attached to anything else.

Lasley: Isn't all our lots zoned for that? A

Gutcher: I think what you are asking is – that is probably the primary dwelling type in Gadsden County.

Lasley: These can be anywhere where they are currently not allowed?

Gutcher: No. They are allowed. They are currently allowed. Yes.

Bouie: Question. Under this description, is there no other size of community homes that could be allowed?

Lex: Yes, there is. But, not under this provision of FL Statutes. So, if you wanted to provide one type of community residential facility, it would be a stand alone with no more than six people. So, if you wanted to service 15 – 18, you would need to either develop it in commercial areas and you would need a larger facility to be able to do that. They need to be considered all under one roof. If you are going to serve a greater number of residents, FL Statutes requires it. You can have two homes connected by a breeze way. Regardless, you would have to be in a commercial zoning for anything number greater than six.

We are working with some people trying to establish a similar type use.

Lasley: I am assuming the regulations for all this are ruled by the State. I would have a lot of questions as to how that would be run.

It looks like "E" on page 30 in that same section is a duplicate.

Gutcher: Yes, it is.

Lasley: That is all I have. Do we need to make a motion for all those changes?

Henderson: What the chair would then ask Commissioner Lasley to do would be to put her changes into the form of a motion and run through them and suggest what she wants. Not all of your questions would be things you would put in a motion because you asked questions and they were answered without making a change.

So, if you will run through with us where you want to make changes in the form of a motion, and then we will see if you can get a second and we can vote on that.

Gutcher: If you don't mind, include the editorial comments I made earlier as part of your motion.

Henderson: Is there anyone in the public who wish to speak to this issue?

We do. Mr. Winchester.

Winchester: Would you like to make your motion, and then I will come back?

Bouie: I would like to hear his concerns.

Henderson: O.K. Let's hear his concerns before we put a motion on the table because that is going to divide a complicated motion from a vote. At this point, my brain is too tired to hold it in my head.

Winchester: My name Daniel Winchester, 842 Rich Bay Road, Havana, FL

I actually came for the workshops, but, after I sat through this since July waiting and trying to get the Land Development Code revised to address some of the concerns that I would have concerning the conservation communities. Since you tabled the workshop item, I guess the point of order that I have in terms of a question would be, since this is a public hearing, Item 10 is a public hearing. So, I either need to say my peace now about Chapter 5 and get it into the record and have you all consider it or not consider it and pass it on to the County Commission. True or False? That is what this is for, right?

The reason I am asking is what I am really here about includes both really. It includes the workshop categories, but, Chapter 5 is implementation. So, it is kind of like the chicken or the egg. I don't know

Henderson: Keeping in mind that we are only addressing a portion of Chapter 5 tonight, is that right, Ms. Gutcher?

Gutcher: I would also like to say that it won't immediately go to the County Commission because it will go as a whole chapter. It won't go in fragments.

Henderson: I don't know exactly where your comments will go, but, but I don't know that your particular issue is contained in what we are looking at in these 27-29 pages tonight. We are only looking at 29 of 105 of Section 5 tonight.

Winchester: Only 29 pages. That might help. In terms of some of the language dealing with (I probably don't have exactly what ya'll have) page 4-10. For example Table 4107. Ya'll aren't doing that tonight?

Henderson: No.

Winchester: So, it was just pretty much what I heard. O.K.

Henderson: I will say that Commissioner Lasley has done a good job of covering each. What she talked about tonight is the only thing that is on the table tonight.

Winchester: So, in other words, when you have the workshops, my concern is if I wait until

another workshop and like somebody said, you don't need a quorum for workshops, so who knows who will show up for the workshops. Then maybe the conservation community concept that I wanted at least to have the workshop to be about, I want to make sure that at some point that the workshop is either voted up or down and included and transmitted to the County Commission to be considered when they consider the overall public hearing. I don't want to get snow balled with some legal – I have been there.

Henderson: We understand. We understand your concerns and we feel the same frustration that you do because we have been unable to get these things addressed. Obviously, the hurricane was nobody's fault and then we have had quorum issues. That is why it is taking so long.

But, let me say this. The things that we are going to workshop – those don't get voted up or down at a workshop anyway. They get workshopped and then they will be on as a public hearing and then we will vote up or down to transmit it to the County Commission. So, basically, on the issues that we are going to workshop, you will have two more chances. You can show up at the public workshops and offer your input. Commissioners can talk about it, but, there won't be a vote taken under those circumstances anyway. The vote to transmit to the County Commission won't happen until it is on the agenda as a public hearing, which it would not have been tonight. Neither will it be the next time we have a workshop on it.

Bouie: Madam Chair? So, what you are proposing is to somehow have your conservation community added to a land use recommendation?

Winchester: No. What I am falling back on at this point – because the process is bifurcated the way it is and it is confusing. I don't want to be in a situation where it is postponed and postponed indefinitely.

Bouie: O.K, Sir, what I am trying to ask you is – Are you proposing to bring a recommendation before the county to have your conservation community submitted to the county as a recommendation for use?

Winchester: Yes, ma'am.

Bouie: So,

Winchester: To include in the policy. That is why I originally (I know you guys want to go home) but,

Bouie: What is the best way for him to present that recommendation to the county?

He has presented to us in the past or an outline of what a conservation community would be like. There is one in Tallahassee. He would like to make a recommendation to the county and the board to add it as a land use category.

Attorney Weiss: There are a couple of ways that you can amend your regulations. One of which is kind of what we are doing here at the staff level and doing a major overhaul. You can certainly take into consideration and should take into consideration public comment through that process. That is not necessarily driven by what any individual wants.

The other process is individuals can at any point in time submit an application to amend the regulations. There is no prohibition against that. When that application is complete, it has to be considered.

Bouie: But, what he is saying is in a broader sense. I believe his suggestion is that Community Conservation be a portion of our land use development.

Henderson: If I might, I would like to clarify. I don't want to speak for you, Mr. Winchester, but, the only reason in Gadsden County that you could not do that community today, as a developer, is because your lot sizes are smaller than an acre. Is that correct?

Winchester: That says it all. The conservation community concept is all about developing more strategically in keeping with the rural lifestyle of Gadsden County and get away from the checker board style that currently you have right now.

Henderson: I understand that. Why can't you do that development today? Why can't you, as a developer, develop a conservation community on land in north Havana or wherever? Why can't you do one of those today?

Winchester: I think it is a policy issue at this point. There is no policy in the Comprehensive Plan that allows for the strategic type of clustering like I presented back in August to do. It is not just me.

Henderson: That is what I am asking. Those are lot sizes that cluster dwellings on smaller than one acre a piece.

Winchester: That is not true. My answer to that question, what I would advocate would be a density range of from .5 acre up to 3 units per acre depending on the soil types, depending on the amount of environmental feature of the area so on and so forth.

Henderson: Which is a more intense development per acre than is allowed today. Correct? Completed?

Winchester: When you back up a one acre lot –

Weiss: We are getting far off topic here, but, in terms of what is the specific subject matter, I think that one of the things we are considering in Chapter 4 is to have a new category for Planned Unit Development. The category would allow for a lot of flexibility in what it would allow for these types of developments. But, that again, is a Chapter 4 issue. Right now, we are on Chapter 5. I think we will

Henderson: And we are only doing the first part of Chapter 5.

Attorney Weiss: Right. And again, back to your point, once we have Chapter 4 workshops, then there is going to be a public hearing at Planning Commission level and then there will be a public hearing at the County Commission level. So, these are all topics that are going to be addressed three more times.

Winchester: I appreciate that, but, at the same time, the policy in Chapter 5 – all you would have to do is add a number 7 which states, “by such and such a date you will adopt a policy that allows for conservation community that meet the following criteria.” Boom that is it. You don’t draft an ordinance. It is very simple. I have already provided the language. In fact, what I will do is go ahead and submit that as part of the record. This is the conservation community information that I have presented. It is all in here. I would like to make that a part of the legal record.

I am confused right now. It seems backward to me that part of Chapter 5 is being considered and then Chapter 4. Then I am supposed to come back to another workshop, which may or may not happen. It is just complicated. I am a land planner. This is what I do every day.

Bouie: May I complete my statement?

I think where you are is that you are trying to make a recommendation to the County to have a particular type of subdivision. There is no legislation against that, but, you are asking the county to adopt your concept. Then again, you could very well go out and have a developer present your concept in an application and then it will go through the process. Where I am confused, Mr. Attorney, is does the county adopt concepts? Because this is a concept. If we can’t adopt a concept,

Winchester: I am proposing a policy, not a concept.

Attorney Weiss: The county does adopt policy, certainly. But, I think

Bouie: So, he won’t have to come back. My thing is if there is a developer that has this in his application, then we would go forward. But, to present this as a portion of our land use as a policy, that is where I hesitate. I don’t think that the Planning and Zoning Commission is in a position like this. I have never known a Planning Commission to take a policy from the general public per se.

Lex: If I may, madam chair?

Henderson: May I respond to that real quickly?

Bouie: I am just trying to help you, sir. I don’t want you to have to come

Winchester: I am not proposing a development, I am proposing a policy.

- Bouie:** I understand. I am trying to get there.
- Winchester:** I can't propose any development, ma'am, without the policy that could guide it. I don't understand why that is hard to figure out.
- Lex:** I want to say that I spoke with Mr. Winchester. I met with him. I explained to him that we are working on a more comprehensive plan, period. I think your point regarding the planned unit development and does it offer these flexibilities that he is looking for in order to develop a conservation community – Is that an avenue and a tool that he can use. So, if I can say, I would request that we do not put a policy in that says "we will do this." We can't do that. We don't know what "this" is. But, we are working toward a planned unit development policy and I would respectfully suggest that Mr. Winchester look at those guidelines, think about what he wants and come back with some very constructive guidance for us to consider to put into that that may help him achieve his end goal of conservation community. Let's continue to work with him at that level through what we already have. Once we are done, I have told him that there is always an avenue to come by. But, that was my recommendation to him previously.
- Bouie:** At his last presentation, my closing comments were that the concept or the policy is well received. It is appreciated, but, the county cannot mandate or adopt and expect citizens to adhere to that type of recommendation. I don't see where
- Winchester:** Well, that is fair enough if that is how you feel about it.
- Bouie:** If there is a developer that is presenting that community, then we would go forward.
- Winchester:** Just to clarify, the PUD used to be in the Comp Plan of Gadsden County. You are talking about the Master Planned Community that is proposed or
- Gutcher:** I have not known of a PUD to be a part of Gadsden County's Comprehensive Plan.
- Winchester:** When you are talking about the appropriate place for this would be under the Proposed Master Planned Community, is that the same thing?
- Gutcher:** We are trying to introduce that so as to enable someone to do something like you are talking about. That is not something that Gadsden County has had in the past. It hasn't allowed categories that would allow for innovative design layouts.
- Lex:** So, think about that as a framework and come back and see how we can put some comments in that that will help you achieve your end, but, within the larger framework which would serve
- Bouie:** My recommendation was for education and suggest that the county educate the community and those putting in applications, but, I can't see how we can have policy.

Lex: No. Input to that policy that we already are trying to develop. That is what I would request.

Winchester: Alright, thank you. I will take you up on that.

Lex: Don't forget, look at what we are writing, think about what you want and please come back with that kind of comment in terms of what you have in front of you.

Winchester: Let me just close, if you don't mind, by saying that I followed some of the comments that you did make in Chapter 5. Page 8 under 105 when you talk about clustering community. For example, commissioner, if you had a piece of property and you rezoned it as Master Planned Community – Let's say 100 acre parcel or larger and you want to create a clustering community, similar to the one in Tallahassee, but a much smaller variety. There is a big demand as you all know for clustering activity. With that language there, would it prohibit a clustering community if you had say clustering and a common area, common riding trails, common barn and that sort of thing? When I read this, I was concerned that it might prohibit any clustering community. If it doesn't, that is fine. But, if does, then that is something I guess you could address in the Master Planned Community category somewhere.

Have you dealt with that? Does that make sense?

Gutcher: I am not sure that I am following you. ...This is to show – these are examples of what you can provide to planning official to show that you are a vested use and you are grandfathered.

Winchester: But, if you had a clustering community?

Gutcher: That is new. That is not vested. That is something that we are creating that is new.

Winchester: So, would that be addressed under the Master Planned Community?

Gutcher: Yes. You would talk about that in your development plan that you would submit as part of your master plan.

Winchester: It wouldn't be automatically prohibited because of that language?

Gutcher: No, this has to do with proving your vested use.

Winchester: Alright. I think she answered it.

It could be a farming community. A conservation community could be a working farm community, which would be up my ally. If you had a 100 acre farm and right in the center of that farm you grew sugar cane, tomatoes or whatever you grew in the center of that.

Bouie: We need to find a developer and bring that on.

Bring it on.

Henderson: Bring a development plan.

Winchester: They are watching, they are there. Anyway, I hear what you are saying as far as the master plan. The Master Planned Community talks about half acre lots are not allowed if you don't have central water. But, later in your plan, you do provide for half acre lots with central water. But, in a Master Planned Community, you have sewer and water for anything under one acre. So, that would have to be addressed.

Lex: I think that comment to as we go through the workshop. Read about the Master Planned Community, think about what you want, what your concerns are, what are your comments. We welcome your input at the appropriate time. We are here

Winchester: I don't really have a comment on this, but, I did have a thought when I heard it. On the RV park situation that ya'll talked about. When you said that RV parks allow - do they include – you said alternative waste water technologies or treatments or whatever – so, could you have an RV park without having it on sewer, conventional sewer?

Lex: You can have an RV park without central sewer if there is somebody that comes and pumps you out. You do not have to have sewage facility on site.

Henderson: It gets done by a portable truck. At Red Hills, they come around and pump out the horse trailers.

Winchester: But, you don't have to have an expensive sewer line to run an RV park. I am saying this because of the ecotourism. It would be of benefit to not have to run a sewage line.

Henderson: Actually, Mr. Winchester, if you will look at that and the way that it played out – for any facilities, restrooms, buildings and what not, they are required to tie into sewer. What she is talking about is that to service each individual RV, those can be pumped out. You know what the truck looks like that pumps out septic tanks?

Winchester: Yes, ma'am.

Henderson: Those can pump out RVs. That is not any kind of installed system.

Winchester: But, you can have an onsite septic tank to serve the bathroom?

Henderson: No. It says that it has to be connected to sewer for the bathrooms at the store, for any type of structure. If it is a pool house, those bathrooms are required to be connected to sewer. It does not provide for septic tanks within that RV park at all.

Winchester: I am just thinking out loud. There really isn't that much sewer in Gadsden County.

Henderson: If you are going to do RV Parks, under those regulations adopted the way that they are, they are going to have to have it or they won't have an RV park.

Bouie: Madam Chair, the time.

Winchester: My last question. Are RV parks aligned for example tiny homes on wheels? Same thing. They are both on wheels, right?

Henderson: No. I don't think they are.

Lex: RVs are licensed through the State a different way.

Gutcher: They have a different legislative definition than an RV.

Lex: There is no such definition for tiny homes.

Winchester: In other words, if a tiny home had met the same legislative definition as an RV, it wouldn't be discriminated against. They would be treated equally.

Henderson: Mr. Winchester, I don't think that is a question that we can answer. That is making me very uncomfortable into the legal advice situation. As the attorney is in the room can agree, we try not to get into anything by which we are not protected by malpractice insurance. At least, I do. So, with that in mind, and we appreciate your comments, but, in the interest of time, we would like to move on.

Youman: Thank you, sir, Thank you.

Henderson: That will take us back to Commissioner Lasley who was ready to make a motion on this first portion of Chapter 5 that we have talked about in detail. She has a motion for us. She is going to run through the changes that she is going to propose to be made to that. Then we will take a vote on that.

Lasley: Don't let me forget anything if you see something, let me know.

I would like to make a motion that we approve Chapter 5 with the following changes that we discussed:

Page 4 – Subsection 502(c) – there is a typo. We need to add an "s" to type.

Page 4 – on the impacts, we are going to add "ingress and egress"

Page 5 – Subsection 5004 – we are going to add "b" before expansions and extensions and renumber the others accordingly. Modification is "C"; Abandonment is "D", etc.

Page 6 – Subsection 5005 (E) – in conflict – add the words "more specific provisions" It should read, "In the event there is a more specific provision in this Code conflicts with this section, the more specific provision shall control it."

Page 8 – Subsection 5008 –(D) and I believe we have changed that number there to 5004 (B)

Page 9 – in (F) we have changed the word “equine” in the first and second line to “livestock” Change “equine species” to livestock as well.

Delete the reference to equine and change the wording to read as follows: For the purposes of keeping livestock in rural residential zoning district may include history of livestock to establish residency or an established agriculture exemption.”

Page 30: delete the duplication.

Gutcher: May I ask you to include the editorial changes that I referenced earlier? They are:

Page 30: Rephrase Part C to state, “Each licensed community residential home shall occupy only one structure” (first sentence)

Page 1 Subsection 5001 – compatibility: Rephrase the first sentence to read, “The purpose of this subsection is to provide standards for evaluations of applications for development, redevelopment, infill development and Comprehensive Plan Future Land Use.”

Lasley: I amend my motion to include her changes also.

Henderson: Do we have a second?

Bright: Second.

Bouie: You got it.

Henderson: Therefore, all in favor?

All: Aye.

Henderson: All opposed? No response.

May we have a motion to adjourn?

Lex: No, please. Just one second, please.

May I introduce our new planner?

Ellen Andrews. She comes to us from DEP. She has a background in Parks and Recreation Planning. She has experience with historic preservation, trails and she is going to be a great asset and compliment to our team.

Gadsden County Planning Commission
January 17, 2019 Regular Meeting and Workshop Minutes

So, Miss Ellen, meet our Planning Commission. This is the first quorum, so you bring good luck.

Henderson: And she prevented us from getting hungry. Thank you.

Lex: Thank you for letting me take that moment.
Thank you all for your hard work tonight. It has been a great meeting.

Henderson: So, you are adding her and Jill is stays with us, too?

Lex: Jill stays with us, too.

We are going to share her with Parks and we are really going to try to build some other parks. She is a resident of Gadsden County. She brings that with experience, too.

Henderson: We are glad to have you. With that I will entertain a motion to adjourn.

Youman: So moved.

Bright: Second

Henderson: All in favor?

All: Aye.

Henderson: We are adjourned 9:35 p.m.

Regina Davis, Acting Chair

Attest:

Nicholas Thomas, Clerk