

**GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS
PLANNING COMMISSION WORKSHOP**

MINUTES

Thursday, December 11, 2014

3:00 p.m.

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

Present:

Commissioner Edward Allen, Vice – Chair
Commissioner Dr. Gail Bridges – Bright
Commissioner Diane Sheffield
Commissioner Larry Ganus
Commissioner Mari VanLandingham
Commissioner Edward J. Dixon (arrived late)
Commissioner Roger Milton, School Board Representative
David Weiss, County Attorney
Jill Jeglie, Senior Planner
Allara Gutcher, Planning & Community Development Director
Beryl H. Wood, Deputy Clerk

Absent:

Commissioner Regina Davis
Commissioner David Tranchand
Commissioner Frank Rowan
Commissioner William Chukes
Commissioner Catherine Robinson

1. PLEDGE OF ALLEGIANCE

Vice - Chair Allen called the workshop to order at 3:00 p.m. and led in the Pledge of Allegiance to the U.S. flag.

2. INTRODUCTION OF MEMBERS/ROLL CALL

Each member present stated his or her name and district for which they are appointed for the record.

3. DISCLOSURES AND DECLARATIONS OF CONFLICT

There were no disclosures and declarations of conflict.



Due to lack of quorum they proceeded with the workshop portion of the meeting. No items from the Public Meeting which was advertised to begin at 3:00pm were considered for that reason.

PUBLIC WORKSHOP

4. PRESENTATION: Future Land Use Element

Mrs. Gutcher reminded the Commission this workshop is held as a result of the request at the last meeting by the Planning Commission. She said as of this date they have received comments from two commissioners, Commissioner Ganus and VanLandingham.

**To get the workshop in its entirety you should visit the Clerk's website and listen to the audio from the meeting. This is only a summary of their discussion.*

Commissioner Ganus went over his comments for the Commission.

Commissioner Sheffield arrived at this juncture of the workshop.

Policy 1.1.1 B.3) Conservation Density

Commissioner VanLandingham and Commissioner Ganus both commented and agreed that a density of 1 dwelling unit per 40 acres ratio was preferable to them in the Conservation land use category. Commissioner Ganus said he felt they should allow some density for those land owners who desire to place their property into a conservation easement to be allowed to live on the property. He felt it should be restored and asked if by removing it, the citizens would lose their rights.

Ms. Gutcher responded the Conservation land use category goes to the land not the property owner.

Commissioner Ganus voiced what is the problem with having 1:40 ratio.

Commissioner Sheffield asked did they need language for a conservation easement.

Discussion ensued regarding the difference between a conservation easement and the Conservation Future Land Use category designation.

Commissioner VanLandingham asked what the intent is.

Ms. Gutcher said the intent is to preserve and protect property/lands.

Consensus was to table until the next meeting as to whether to leave or take out 1:40 ratio.



Policy 1.1.1.6 B.) Conservation Allowable Uses

Commissioner Ganus said the present FLUE allows bona fide Silviculture, using Best Management Practices.

Attorney Weiss said if it's an existing use it is grandfathered in.

Commissioner VanLandingham asked what the intent was.

Mrs. Gutcher said she was of the opinion they should call the use it what it is intended to be used for.

Commissioner Sheffield voiced it should be left as Conservation.

Attorney Weiss said it's addressed in Goal 1B in Draft FLUE.

Policy 1.1.1. c. 6) Consider adding to 100 feet setbacks, Ochlocknee River and Lake Talquin" and other Outstanding Florida Waters

Mrs. Gutcher commented there are no lands designated as Silviculture on either the Ochlocknee River or Lake Talquin. The policy applies to the Silviculture designation.

Request to discuss the addition of temporary work camps required for timber production are permitted as uses by right (to be restored).

Policy 1.1.1. D. 3) Recreation Density

Commissioner Ganus said he felt a better terminology for this would be none allowed, except for Facility Management.

Policy 1.1.1 E.3 – corrected taken care of by replacing word *of* with *or*.

Policy 1.1.1E.4 &5) Public/Institutional Intensity, Impervious Surface Area – In agreement with 75% on impervious area.

Policy 1.1.1F. Agriculture – Elimination of Clustering for site built homes in the Agriculture Category. Buffers in the Agriculture Categories (referenced page 5 and 6 of Sept. 2012 Kimley – Horn draft).

Mrs. Gutcher commented she was not personally opposed to clustering. Her belief was if there is going to be a residential development; it should not be in the Agriculture land use category. Her suggestion was to have a clustering policy for those developments with the Rural Residential land use category that would like to have smaller than one acre lots.



Policy 1.1.1.I.3) Rural Residential Density

Commissioner Ganus said it was his belief that "Environmentally Sensitive Lands" should be included in the net acreage calculation.

Discussion ensued regarding the definition of "Environmentally Sensitive Lands". Mrs. Gutcher gave reference to the Florida Natural Areas Inventory, where these resources are; the ability to implement the policy by knowing what these resources are and where they exist.

Ms. Jeglie also said it had something to do with the CARL lands, which is designated in the Plan for the Carl project.

Policy 1.1.1.I.6 Rural Residential Development Restrictions

Commissioner Sheffield asked about adding back the language, Land Use Amendment from Agriculture to Rural Residential must be adjacent to existing Rural Residential. She said that was something they had been following for many years.

Commissioner VanLandingham asked why they wanted it in Rural Residential and not Agriculture.

Mrs. Gutcher said it should be a stand-alone policy instead of attached to a land use category.

Policy 1.1.1. J. Neighborhood Commercial

Commissioner Ganus said Neighborhood Commercial is being revised regarding the size of the allowed acreage, where it could be located, the size of the building and the amount of coverage on the lot.

Commissioner Sheffield pointed out she noticed they were going from 5,000 -10,000. She said previously that before it could be a Neighborhood Commercial it had to be paved arterial or on a corner instead of being down the road. She said the way it reads now it can be anywhere along the road.

Mrs. Gutcher said correct. She said the term Neighborhood Commercial is used to define a use in a small radius of an area; not a regional attraction. Something that you wouldn't have to drive far to have services to meet your daily needs.

Commissioner VanLandingham asked how the businesses out in Lake Talquin would be affected, more so on the outdoor storage equipment restrictions.

Mrs. Gutcher said they aren't designated Neighborhood Commercial, so it wouldn't affect them at all.



Commissioner Sheffield said what they had decided before was the sale of alcohol in the Neighborhood Commercial would be a special exception which would have to have approval of the BOCC.

Mrs. Gutcher said she would make a matrix to show all the comments for the next meeting.

Attorney Weiss commented if you want it to be more difficult to change the Land Development Code (LDC) you want it to be in the Comprehensive Plan because it guides your Land Development Code. If it's not in the Comprehensive Plan it can still be in the Land Development Code. He said it's easier to change Land Development Code.

Mrs. Gutcher stated she agreed with Attorney Weiss if you wanted this to be a Special Exception inside of this category it would be in the LDC, not in this document.

Commissioner Sheffield reiterated Attorney Weiss' comment that it was easier to change LDC than the Comp Plan.

Mrs. Gutcher replied that used to be a true statement. She stated it isn't that hard to change the Plan, since the change of the Department of Economic Opportunity (DEO).

Commissioner Sheffield pointed out in the past when they wrote this there were real strong reasons why things were placed in the Future Land Use Element. She said it was because of input from the community.

Mrs. Gutcher reminded the Commission that this category does not exist on the map today, so if someone is going to apply for a certain type of use and meets this category it would have to be approved by a legislative action which is different than a quasi-judicial action. It would have to go through the Planning Commission and the BOCC process of a map amendment.

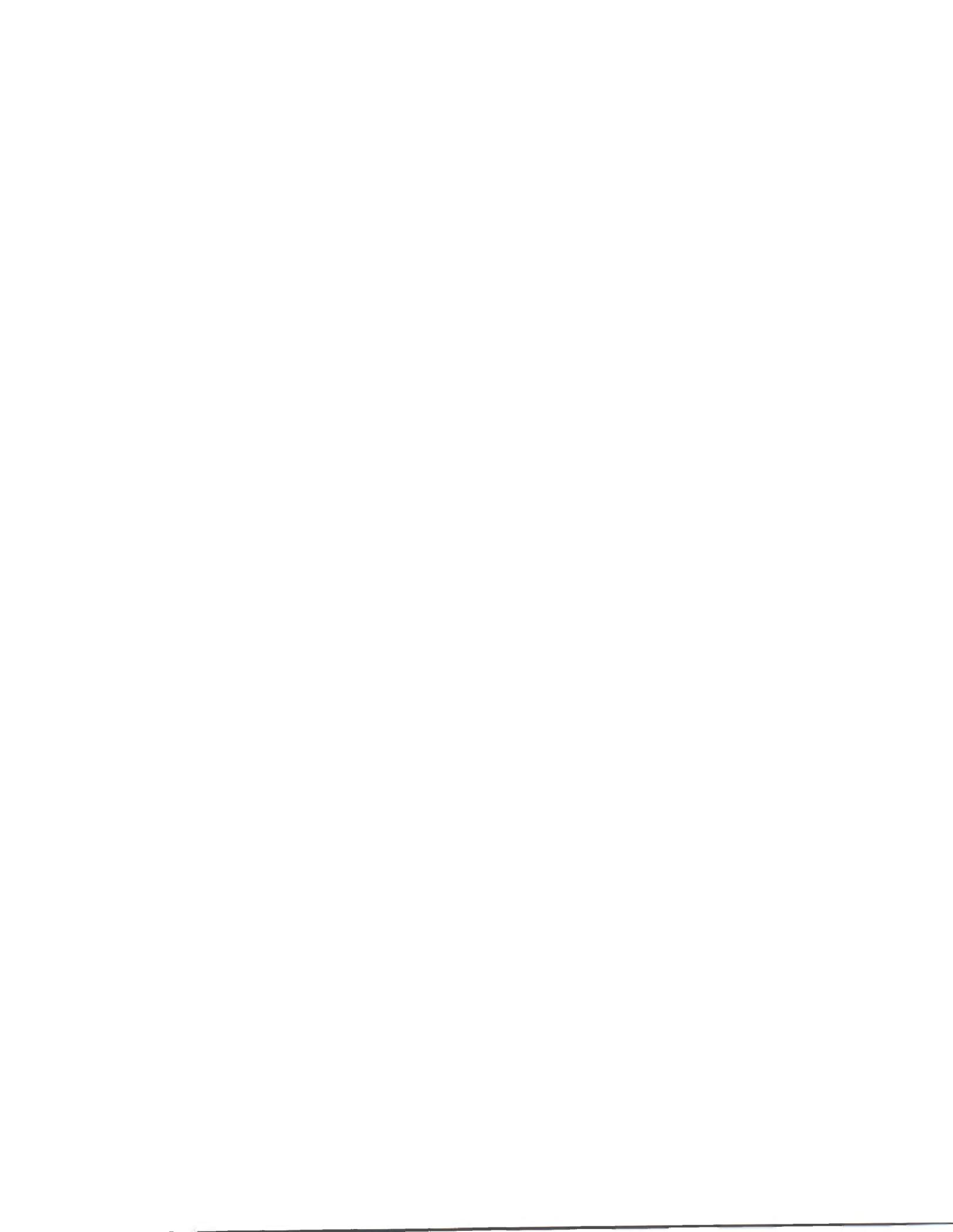
Commissioner Dr. Bridges – Bright pointed out this was the Future Land Use Element and they should be preparing and planning for growth in the future.

Policy 1.1.1 M.4) Light Industrial Impervious Surface Area

Current FLUE limits Max. Imp. Surface Area to 75%. Proposed is 80%

Commissioner Sheffield shared under "Development Restrictions" in Light Industrial. Industrial performance standards that pertain to noise, smoke, glare and other capability issues. She commented that she thought it is a little subjective and asked did they need to spell it out a little bit more. She said she understood they are trying to make the document smaller and concise.

Commissioner Ganus asked did she feel that ability was in the eye of the beholder. It means different things for different people.



Commissioner Sheffield stated the reason why they spelled it out in 2012 was the people that came to our meetings wanted to be sure that certain things were addressed.

Mrs. Gutcher offered her opinion that the detail should be in the Land Development Code.

Policy 1.1.1 K.7) Commercial Development Restrictions

Commissioner Ganus read his comment that our current FLUE states " Land Use Amendments from a Residential or Agricultural to Commercial use along arterial roadways will be limited to locations adjacent to existing commercial properties unless the requested change is part of a master planned community", followed by exceptions. Mr. Ganus stated that he thought this should be included in the restrictions for commercial. He said to him commercial is best along major roadways or collector or arterials. It's just the unusual request to put something off the wall where it shouldn't be. How do you control that, how would it be regulated?

Mrs. Gutcher said again if someone is applying for a map amendment it's a legislative decision and there is no burden to prove something like there is with a quasi- judicial hearing. The main language should be in the Land Development Code.

Marian Lasley, 5 Dante Court questioned the water and sewer portion. How will these things be dealt with?

Commissioner Ganus asked would they require water and sewer.

Policy 1.1.1 N. 6) Heavy Industrial development Restrictions

Commissioner Ganus said the current FLUE includes the wording "All applications for development in Industrial Areas shall be considered as Class 2 application and will require both Planning Commission and BOCC approval." He mentioned that should be retained.

Mrs. Gutcher stated a mobile home subdivision is different than a mobile home park. A mobile home subdivision can go into a Rural Residential category. A mobile home park is a different development because the park renters do not own their land.

Commissioner Sheffield said what they had said in the past was a recreational vehicle park was a conditional use, Type II Review.

Mrs. Gutcher pointed out that recreational Vehicle Parks are an allowable use in Commercial.

At this juncture of the meeting the Commission recessed for 5 minutes.

Policy 1.1.1 N.4) Heavy Industrial Impervious Surface Area

Current FLUE has 75% Impervious Surface Area. Proposal has 90%. We need to review and discuss.

Consensus was it would work as proposed.

Mrs. Gutcher said it wouldn't exempt them from stormwater ponds. She said these were just the maximum parameters.

Policy 1.1.1 N.6) Heavy Industrial Development Restrictions

Commissioner Ganus commented the current FLUE includes the wording "All applications for development in Industrial Areas shall be considered as Class 2 applications and will require both Planning Commission and BOCC approval." He felt it should be retained.

Discussion followed by Commission.

Attorney Weiss stated what they are doing with the FLUE wouldn't affect the LDC, it would still be what it is.

Mrs. Gutcher said in Section 4202 part G of the Land Development Code, all applications for development in industrial areas that aren't already governed by the DRI approval, shall be considered as a Class 2 application and would require a Board of County Commissioner approval. She said her recommendation is if you want to regulate something do it through the book and if it meets the requirement of the Plan and Code it should be able to move forward without a public hearing.

Attorney Weiss said from his perspective if you meet all the requirements of the LDC, what you are opening yourself up for is legal challenges if you let it go through the process and there is no reason to deny it, but BOCC denies.

Commissioner Ganus asked about changing conditions on the map. He said he was concerned with combinations that weren't actually compatible.

Attorney Weiss said the judge would be the deciding factor and would draw the line based on what is written in the Code. He said as the recommending body to BOCC you draw from experience and you place in there what needs to be applied to provide adequate protection for the County.

Commissioner Dr. Bridges – Bright stated that's why she advocates for the workshops and more educational experiences because some have been on the back end and it would be beneficial to see what has torn down other counties. She was in favor of being proactive now, while they have a voice, because the dynamics of both Boards could change at any time with growth to the County.

Policy 1.1.1.2

Commissioner Ganus commented this policy addresses land use category boundary interpretation(s). Suggested a mapping errors section. He mentioned errors that were made on the map in 1991, and therefore he felt they needed a mapping error section as a disclaimer for errors on the map.

Mrs. Gutcher said they experienced the very same thing when she was at Bay County when they went from a hand drawn map to a digital map. You can't have a Scrivener's Error on the map. You have to go through the process and have to change it through public hearings.

Policy 1.3.4

Commissioner Ganus said this policy deals with grandfathering of non-conforming parcels created prior to Nov. 26, 1991 and it needs to be reworded. *"Parcel of record or recorded platted lots, within a land use category that allows for residential development that existed on or prior to November 26, 1991, shall be permitted one residential dwelling per parcel or recorded lot."* He said if it is changed then it's good.

Mrs. Gutcher commented this was covered in the Land Development Code in Subsection 5003.

Objective 1.14

Commissioner Ganus commented that he would like to retain the requirement that those proposed developments named in this objective be made a policy that a rural residential development would have to be on central sewer water, and lot size restrictions, and any other restrictions on the development mentioned in this objective. He said it was his belief that this came about as a result of a Stipulated Settlement Agreement with DCA in about 2006. He mentioned that our current FLUE has the original ordinances from 2006 which have been repealed in the draft. He also noticed that Kimley – Horn made some revisions to the Policy in the Sept. 2012 draft EAR amendments that the Planning Commission passed and that was never forwarded to the BOCC.

Mrs. Gutcher pointed out when thinking about the FLUE; we have to think about it for the good of the County.

- Other questions posed by Commissioner Ganus were: What are the legal consequences of keeping Objective 1.14 in the FLUE as is? He said he felt it needed to be kept in some way.
- Can this objective and policies be amended as an EAR amendment, as Kimley – Horn was attempting to do? It looks like their revisions mainly dealt with elimination of affordable housing requirements, and some environmental protection.
- Can the text of this section be included as a background document for reference if a statement such as the number 3? Alternative is used in the FLUE.

Attorney Weiss said with a Stipulated Settlement Agreement the nature of it is a binding document to resolve litigations. Basically, what you had is the County approving a number of map amendments to go from Ag to Rural Residential. He said the Settlement Agreement requires Gadsden County to adopt remedial amendments in order for the Comp Plan to be in compliance and for the amendments to go through the process. It's not a document that is intended to restrict development eternally, it's not something you can never go back and change by the terms of the document itself. He commented if they wanted to keep the language they could, but it could be a better document if instead you pulled what you like out of each of these specific developments and make it a policy that applies to everything.

Commissioner Ganus asked if what is on the books right now can be modified.

Attorney Weiss stated yes. You can propose changes by making amendments and adopt ordinances with BOCC approval and DEO will either approve it or not.

Commissioner Ganus pointed out these amendments have already been adopted and are already Rural Residential.

Attorney Weiss asked why they couldn't pull what they like and put it in Rural Residential development standards for everything.

Mrs. Gutcher said the greatest concerns by the Planning Commission were the central water and sewer and affordable housing.

Discussion followed further.

Attorney Weiss commented it was a legislative decision to keep or take out. The discretion is with the Commission.

Commissioner VanLandingham left at this juncture of the workshop.

Mrs. Gutcher commented that she would prepare draft policies for the Commission to look at and they should be able to move forward from there.

Ms. Jeglie said Mrs. Gutcher pointed out that some of those policies retain the requirement to have completed an Area Plan before they can develop.

It was the consensus to discuss further at the next meeting.

Objective 1.15 Special Area Plans

Commissioner Sheffield mentioned that some Objectives 4-16 that aren't listed, but are really important and felt they should be left in.



Mrs. Gutcher said she would come up with some policies to see if it is covered and report back to the Commission her findings. She mentioned some of the objectives were written as policies rather than an objective.

Commissioner Sheffield commented she would pick out the things she felt should be addressed and forward to Mrs. Gutcher.

Mining and Number 4 Development Restrictions: Commissioner Allen referenced FSC 13.B.5 /FS380.04C, which does not allow mining adjacent to water bodies, rivers, streams, creeks, lakes, wetlands, slope forest and steepheads. He said he would like to see it in there in addition too. Ordinance deals with Stipulated Settlement Agreement with the County and DCA part of the Data and Analysis.

Mrs. Gutcher said she would look into it.

Commissioner Dixon arrived at this juncture of the workshop.

Policy 1.2.3:

Commissioner Sheffield shared we should leave out the word, and. She asked how forcible that is if they have already built out their houses and they don't bring in their system. She asked couldn't they require dry lines to be required.

Mrs. Gutcher said she was of the opinion it should be 3yrs instead 5 because 5 is too long.

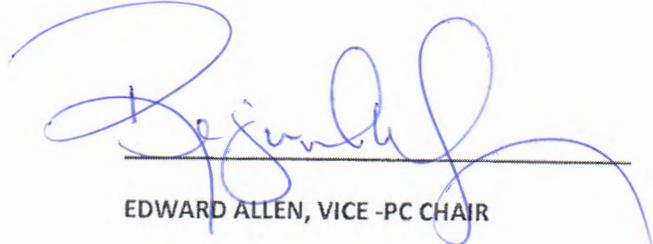
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5. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR DECLARED THE MEETING ADJOURNED AT 6:05 P.M.

GADSDEN COUNTY, FLORIDA



EDWARD ALLEN, VICE -PC CHAIR



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

