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

Thursday, September 17, 2015
6:00 PM
Board of County Commissioners Meeting Room
7 East Jefferson St
Quincy, Florida

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

Absent: **Commissioner Mari VanLandingham**
Commissioner Gerald McSwain
Commissioner Malcolm Carter

1. **PLEDGE OF ALLEGIANCE**

Chair Davis called the meeting to order at 6:00p.m with a quorum present. She then led in the pledge of allegiance to the US Flag.

2. **INTRODUCTION OF MEMBERS/ROLL CALL**

Each member present stated their name and district for which they represent.

3. **APPROVAL OF MINUTES**

Documents: June 25, 2015 Minutes

UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND SECOND BY COMMISSIONER YOUMANS, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, TO APPROVE THE JUNE 25, 2015 MEETING MINUTES.

July 27, 2015 Minutes

UPON MOTION BY COMMISSIONER ROWAN AND SECOND BY COMMISSIONER DR. BRIDGES – BRIGHT, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, TO APPROVE THE JULY 27, 2015 MEETING MINUTES.

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

GENERAL BUSINESS

PUBLIC HEARING

5. **Public Hearing (Quasi-Judicial) - Consideration of conceptual/preliminary site plan for the expansion of the Talquin Electric Hinson Substation (SP-2015-03) located on Potter Woodberry Road (Parcel ID#2-22-#n-2W-0000-00123-0100). This submittal includes an increase in height for structures within the development envelope previously reviewed by the Planning Commission on July 27, 2015. Documents**: Talquin Substation Site Plan | Talquin Substation Planning Commission Agenda Report

Note: All that spoke were sworn by the deputy clerk as to their testimony on this Public Hearing.

Jill Jeglie commented the request was for site plan approval to expand the existing Talquin Electrical Cooperative, Inc. electrical substation located on Potter Woodberry Road, as identified by Tax ParcelIdentification#2-22-3N-2W-0000-000123-0100. (Attachment 1). This application is to modify the site plan heard by the Planning Commission on July 27, 2015.

Talquin Electrical Cooperative, Inc. (Talquin) represented by Bill James, for the owner and Bert Conoly, P.E., with Jim Stidham and Associates, Inc. as the engineer of record, requested a modification to the site plan for the expansion of the existing substation facility recommended for approval at the July 27th Planning Commission meeting. Since then design requirements necessitate an amendment to the original site plan.

The site plan *proposes* total renovation of the existing substation equipment which includes an existing eighty (80') foot tall microwave tower, a new control building, the expansion of the fenced compound, stormwater, the addition two (2) sixty (60') foot tall static towers, one (1) twenty–six (26') foot tall 'low side' steel framework.

The site plan *revision* is requested to reduce the number of steel frame structures from four (4) to three (3) by eliminating one (1) twenty-six (26') foot tall steel 'low frame' structure, and replacing one (1) twenty –six foot tall 'high side' structure with a fifty (50') tall "high side" frame structure. This reduces the number of steel frameworks

proposed from four (4) to three (3) (See Attachment 2, the narrative and Sheet 4B of 7 of the site plan.)

Planning Division Finding:

Pursuant to subsection of the LDC, the Planning Department provides the following findings in support of their recommendation to approve with a condition.

1. The proposed site plan will promote the public health, safety, welfare, economic order and development, aesthetics and quality of life in the community and region by providing uses permitted as a public use permitted as a special exception use with site plan approval in the Rural Residential Future Land Use category as adopted within the Comprehensive Plan; and,
2. Specifically, the expansion and improvements to the electrical substation will improve the reliability and availability of electrical power, a necessary utility, to the residents of Gadsden County; and
3. With the proposed conditions the applicant has met the burden of proof required by Subsection 7504 of the LDC and with conditions is in compliance with all applicable standards of the LDC; and,
4. The Planning Division incorporates the findings in the staff 'Analysis and Finding' in support of the finding of compliance.
5. Approval of a 'Special Exception Use" is required to allow the expansion (Subsection 4202.J.2 & Section 7303.)

Commissioner Dixon questioned why there was not another Citizen's Bill of Rights (CBOR) meeting.

Mrs. Gutcher replied the change was with the height of the tower and that was the only change, so they didn't need to have another CBOR meeting.

Mike Grice, Greeneck Rd, of Talquin Electric said the original proposal was for 26 feet but, due to needed changes, they are requesting it go to a 50 foot height. He said that is why they wanted to make a full disclosure to the County with all of their intentions and design of structure.

Commissioner Dixon asked if he would share the definition of high side.

Mr. Grice replied high side structure is the structure on the back of the substation, where the transmission provider attaches the incoming cables to our facility. He said that was the first point of contact with the incoming transmission line.

Commissioner Lasley asked if at the CBOR meeting were the people on the south side noticed.

Mr. Grice responded they have sent notices to everyone within the required radius. He said they are surrounded by a pretty dense horseshoe, except with the entrance of the transmission line where the right-of-way is clear. He said there should be no visual interference.

Ms. Jeglie said for this meeting the mentioned notices were sent from 1,000 ft. of the exterior property.

Commissioner Dr. Bridges – Bright asked about the changes being made to the set-backs.

Burke Connelly, Jim Stidham and Associates, commented they didn't make significant changes.

Ms. Jeglie commented the set-backs hadn't changed from the July 27 application to this application. If you look at the plans that have been provided the second page is an aerial and within that aerial at the northwest corner, closer to Potter Woodberry Road there is a rectangle to the right, which is the envelope of the existing facility. This is 293 feet. from the nearest house. The square that goes around is the perimeter fence and would be the development area within the rectangle and that would be 275 feet from that existing residential structure to the west. The nearest structure to the south is 756 feet, if you subtract that equals the 555 feet.

UPON MOTION BY COMMISSIONER ROWAN AND SECOND BY COMMISSIONER MILTON, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, FOR OPTION 1: RECOMMEND APPROVAL OF THE TALQUIN ELECTRIC SUBSTATION SITE PLAN (SP-2015-4) TO ALLOW THE EXPANSION OF THE EXISTING ELECTRICAL SUBSTATION AS IDENTIFIED ON THE SEVEN (7) SHEET SITE PLAN, DATED JUNE 15, 2015, PREPARED BY JIM STIDHAM AND ASSOCIATES, INC. WITH THE FOLLOWING CONDITION:

1.) THE EXPANSION OF THE TALQUIN ELECTRIC SUBSTATION EXPANSION SPECIAL EXCEPTION USE (SE-2015-01) MUST BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS.

6. **Public Hearing (Legislative) - Transmittal of the Conservation Element (CPA-2015-02) - Recommended transmittal of the Final Draft of Goals, Objectives, and Policies of the Conservation Element of the Comprehensive Plan to the Board of County Commissioners.**
Documents: Conservation Element Transmittal Planning Commission Agenda Report

Mrs. Gutcher discussed this hearing is required to offer a recommendation to the BOCC for the transmittal of the revised Conservation Element (CE) to the Florida Department of Economic Opportunity for review as a more concise, understandable and defensible document which will provide certainty regarding the "conservation, use, and protection

of natural resources in the area including air, water recharge areas, wetlands, water wells, soils, minerals, and other natural and environmental resources including factors that affect energy conservation" in Gadsden County, as quoted from §163.3177 (6) (d), Florida Statutes, as applicable.

She noted in the previous meetings from June 25, 2015 (workshop) and the July 27, 2015 (regular meeting) which resulted in these amended changes:

- Action on Policy 5.4.3. This policy was reworded due to jurisdiction the state agencies have over Endangered and Threatened Species, or Species of Greatest Conservation Need.
- Action on Policy 5.4.4. Revised to show a "desktop assessment" is an acceptable method of assessment for comprehensive plan amendments.
- Action on Policy 5.6.8. Revised to require drainage systems, etc. be maintained or improved due to development activity.

Commissioner Lasley asked who would be responsible for desktop GIS Research in Policy 5.4.4.

Mrs. Gutcher said typically they require the applicant to supply the information to them on an application they have formatted and handed out at such time when one is applying for a map amendment. Staff also completes an analysis as it is brought to the Commission as a part of the application just to verify that information submitted.

Commissioner Lasley asked what the procedure was when more information needs to be discovered.

Mrs. Gutcher said they would be looking for information on whether or not there is a Threatened and Endangered Species on site or Species of Greatest Conservation Need. She said that would be noted in the staff report that comes before the PC and BOCC.

Commissioner Lasley reiterated that she would like someone to be held responsible for the GIS Research in Policy 5.4.4.

Mrs. Gutcher stated that would come in the development order Stage. Just to clarify the map amendments stage is a Future Land Use Map, so it is supposed to be what the category would be 5-10 years in the future. She said that's the information you are evaluating to determine whether or not the map should be amended.

Chair Davis call for public comment.

Public Comment:

Wayne Hawthorne, 804 Frank Smith Road, Quincy, FL, spoke in concern with large corporations that could possibly come in and pump the water out and sell it.

Michael Dorian, 145 Alligator Road, Quincy, FL, was mainly concerned with preserving the ground water. He would like to see in the Conservation Element, where pumping would not be allowed.

Bob Wike, 5100 Pt. Milligan Rd, Quincy, FL, had the same concern as the previous two gentlemen on ground water concerns.

Commissioner Lasley commented as it relates to the policy that gave the Commission the permission to approve or not to approve the exportation of water out of the County. She said she would like for more research to be done throughout the State of Florida because it sounds like there are ways the County can restrict this type of business. It is important that we not allow our water to be shipped out to areas that are more populated. She thanked staff for hardwork with the language provided but, stated she still was not comfortable with this policy.

Commissioner Dr. Bridges - Bright asked in regards to the public concerns, what is the recourse?

Attorney Weiss responded that he didn't think the County can prohibit or prevent the harvest of water because the County doesn't have jurisdiction over that. The Water Management District has jurisdiction. He said the County can include a policy that would have opposition to it.

Commissioner Lasley asked was it possible to put language in there that Gadsden County would not approve facilities that support the collection, bottling and processing of export of water out of the County.

Attorney Weiss reiterated you can't necessarily prevent or prohibit but, you can express your lack of support. There is nothing to say you can't put a policy in your Comprehensive Plan that ultimately may be preempted.

Commissioner Youman gave an example that if someone decided to put in a deep well to export water out of the County, would it have to come before the County?

Attorney Weiss stated it would be North West Florida Water Management District that has exclusive jurisdiction over consumptive use permits for water.

Commissioner Chukes commented that it appeared their hands were tied.

Chair Davis asked the Commissioner's what language if any, needed to be placed in this policy.

Commissioner Tranchand asked for definition for consumptive water use.

Attorney Weiss stated consumptive water use is basically as it sounds, the use of water for consumption. He said you may need a consumptive use permit for withdrawal.

Commissioner Dixon said he thought what the attorney was saying was prohibition and prevention; it doesn't say you can't do it. He is saying you can until some court says you aren't allowed. He said if there is no state statue that prohibits you from doing it, do it. He said he wouldn't assume because the law doesn't give you direction to do it, that you shouldn't. He also stated he wasn't sure if they should attack at one source as opposed to multiple sources. He said he wasn't sure it should be attacked in the Conservation Element because they don't control a lot of it. His suggestion was attack in a way where you do control. He said attack the things they would need for a bottling company. Find language that makes it difficult for them, it could restrict something else besides the water.

Commissioner Lasley said if they can't get a statement in the Comprehensive Plan, she couldn't imagine it filtering down to the Land Development Code. She asked was it possible to set up road blocks in the Land Development Code for a bottling plant.

Mrs. Gutcher replied yes, you can have regulation that doesn't have a policy. She offered a proposed policy to address this issue: Policy 5.3.20 – "Oppose any activity that causes the withdrawal of water for commercial bottling purposes".

Chair Davis asked what legal language can be used to dissuade.

Mrs. Gutcher proposed an alternative policy: "Gadsden County shall not support the withdrawal of water for commercial bottling purposes. She said it would cover anything for commercial bottling activity.

Attorney Weiss said if you had a policy to that effect it would allow you to adopt more specific regulations.

Commissioner Lasley asked Mrs. Gutcher to read what she stated again.

Mrs. Gutcher said she would make it Policy 5.3.20 under the Objective 5.3: "Conserve and protect the quality and quantity of local water bodies and their sources." She said it would read: "Gadsden County shall not support the withdrawal of water for commercial bottling purposes."

Commissioner Dixon asked for something affirmative such as shall oppose or shall strongly oppose.

Mrs. Gutcher read "Gadsden County shall oppose any activity that causes the withdrawal of water for commercial bottling purposes."

UPON MOTION BY COMMISSIONER LASLEY AND SECOND BY COMMISSIONER ROWAN, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED NEW LANGUAGE.

Attorney Weiss referenced documents with dates; he asked that it be referenced as amended. He said typically I don't think it hurts.

Mrs. Gutcher said she and the Attorney differ. She was always informed that you can't have "as amended because then you have a self-amended Comprehensive Plan. She then stated you would have to submit any amendments through the process with DEO.

Commissioner Tranchand said he agreed with the Attorney, not to place dates.

Attorney Weiss commented the dates should be struck in the following Policy 5.4.1, 5.4.2 and 5.5.2. He said in Policy 5.5.1 they could leave or choose which date to reference. His recommendation was that they use the most up to date policy.

Mrs. Gutcher said her professional opinion is to keep the dates.

Attorney Weiss said you can retain the dates in all if you like.

Commissioner Tranchand motioned to take out all dates and it was seconded by Commissioner Chukes.

Commissioner Milton stated that if staff is saying their opinion is imperative that they leave in and the Attorney has stated its ok for them to be there, why not leave in?

Chair Davis said if they remove all dates it would affect the following Policy 5.2.10, 5.2.11, 5.4.1, 5.4.2, 5.5.2 and 5.5.1.

Attorney Weiss said the main reason he mentioned the change was because of the endangered species items.

UPON MOTION BY COMMISSIONER TRANCHAND AND SECOND BY COMMISSIONER CHUKES, THE COMMISSION VOTED 6 – 3, BY HAND VOTE, TO TAKE OUT *ALL* DATES IN THE CONSERVATION ELEMENT AS STATED ABOVE. (Commissioner's Rowan, Lasley and Milton opposed the motion. The motioned carried.)

Chair Davis asked that they now look at the policies that were revised.

UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND COMMISSIONER MILTON, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, FOR APPROVAL AS AMENDED.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DR. BRIDGES – BRIGHT, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, FOR APPROVAL OF THE ENTIRE ELEMENT TO MOVE TO THE BOCC.

7. **Public Hearing (Legislative) - A public hearing for the consideration of amendment to the Land Development Code, specifically Chapter 1, "Administration and Enforcement", and to Chapters 6 and 7 as it pertains to the changes proposed to Chapter 1, for consistency.**

Documents: Attachment - Chapter 1 Land Development Code Amendments Strike and Add | Planning Commission Agenda Report, Chapter 1, etc.

Mrs. Gutcher said this hearing is required to offer a recommendation to the BOCC for the amendment of Chapters 1, 6 and 7 of the Land Development Code as to the consistency of said amendments to the Comprehensive Plan. She gave a brief synopsis of the changes.

She said the update to Chapter 1 includes moving general aspects that are located in other sections of the Code to this chapter, which represent general standards for the administration and enforcement of the county's Land Development Code. Some sections, such as those currently located in Chapter 6, Sections 6800 and 6900, were relocated into Chapter 1 as the legal status and enforcement regulatory factors are considered "Administrative and Enforcement" issues rather than a "Subdivision of Land" issue as Chapter 6 is entitled. In other words, the legal status and enforcement of the Code is a factor that applies to all of the Code, and not just those regulations nested within Chapter 6 "Subdivision of Land".

Chair Davis asked Commissioners had they reviewed this document.

Commissioner Lasley said this is really a lot and should be workshopped.

Commissioner Rowan commented that staff had put a lot of work into this. He recommended that Option 1 be approved.

Chair Davis called for public comment and there were no additional comments.

Commissioner Dixon left at this juncture of the meeting.

Attorney Weiss said the motion should be amended to changes from pages 14 and 15.

Mrs. Gutcher said the changes were:

- Section 1600. APPEALS – In the last clause, all should be stricken after Planning Official.
- Subsection 1601. Scope – In the last clause, all should be stricken after Planning Official.
- Subsection 1602 Standing. (A) – should be deleted in its entirety.

UPON MOTION BY COMMISSIONER ROWAN AND SECOND BY COMMISSIONER CHUKES, THE COMMISSION VOTED 8 – 0, BY VOICE VOTE, FOR APPROVAL OF OPTION 1 AND TO AMEND TO INCLUDE CHANGES IN APPEAL 1600 – 1602 AS STATED ABOVE.

8. **Public Hearing (Legislative) - A public hearing for consideration of amendments to the Land Development Code, specifically Chapters 2, 4, 5, and 7, as they pertain to the development of solar farms (solar power generation facilities) and solar energy systems.**
Documents: Planning Commission Agenda Report, Solar Power Generation Facilities & Solar Energy Systems

Jill Jeglie read comments on recommendations of the amendment to the Gadsden County Land Development Code (LDC) to address "Solar Power Generating Facilities" (farms) and 'Solar Energy Systems' including adding definitions to Subsection 2102, Definitions, Specifically; renumbering Subsections; Add Solar Power Generating Systems to Subsections 4103 and Table 4300; Renaming Subsection 5204 Special Use Standards; Creating Subsection 5204.E 'Standards for Solar Energy Systems; creating Subsection 5302.A.4 Type C, buffer areas'; and, creating Subsection 7202.A.11 Solar Power Generation Facilities to Type II applications (Attachment 1a & 1b).

She said the LDC does not specifically address solar power generating facilities (solar farms) or solar energy systems (SES) in the LDC. The County continues to receive inquires regarding solar power generation facilities (solar farms). Solar farms produce electrical energy to be wholesaled to utility carriers. In the past the Board of County Commissioners has supported the development of solar farms as renewable energy source and a source of economic development. Solar energy systems (SES) are those types of systems that typically generate power for the homes and business that they are located on.

Staff has reviewed land development codes that address solar power generation facilities and SES. Amendments to the LDC are proposed for consideration to address solar power generation facilities the requirements for those individuals who wish to utilize solar power for their homes and businesses.

Commissioner Dr. Bridges -Bright asked where it would address the power lines. How do you control it? She commented they need to be more aggressive.

Mrs. Jeglie said in her research she had not seen that.

Chair Davis called for public comment. It was determined that page 2 from the Staff Report was missing.

Public Comment:

Wayne Hawthorne, 804 Frank Smith Road, Quincy, FL, thanked Planning for coming up with guidelines although, it did need some tweaking.

Michael Dorian, 145 Alligator Road, Quincy, FL, requested a workshop. He said solar energy is our future. He had concerns with eminent domain, batteries and etc. He discussed setbacks going from 50 feet to an l00 feet from the property line. Citizens get 15 feet instead 10 feet.

Bob Wike, 5100 Pt. Milligan Rd, Quincy, FL, it was his opinion a workshop would be beneficial.

Kathie Grow, Havana, FL, had questions with D(2) – Development Standards; E(2) – Development Standards for Residential Uses. She said it wasn't very clear and her concerns where with setbacks in the first one and in the second if it would restrict solar from being placed on a house.

Ms. Jeglie said 50 feet would be in Ag-2 and -3. She said it would be restricted. However, if the Planning Commission would like to increase the setback that is something that can be discussed. She said E(2) won't restrict you from having solar on your house.

Matt Gibson, Talquin Electric, spoke briefly on solar power. He said they are just getting into this area, so he did not have a lot of information. He assured the Commission they would not let harm come to their members. He offered to come back another time with more data.

Commissioner Lasley said eminent domain issues should be addressed.

Chair Davis said they need this workshopped.

UPON MOTION BY COMMISSIONER DR. BRIGES - BRIGHT AND SECOND BY COMMISSIONER TRANCHAND, THE COMMISSION VOTED 8 – 0, BY VOICE VOTE, TO TABLE THIS ITEM FOR A WORKSHOP.

9. PUBLIC COMMENTS

There were no additional public comments.

10. DIRECTOR'S COMMENTS gave report on Tuesday, BOCC Meeting

Mrs. Gutcher commented on Tuesday Night at the BOCC Meeting, the amendments to The Future Land Use Element were adopted with Ordinance 2015-11. She said there was a 31 day appeal period. The Element should be effective sometime in October.

She also stated the BOCC approved and signed an Agreement with the Department of Economic (DEO) to receive a grant for $20,000 to conduct a Highway 90 Corridor Plan to attract tourists from I-10 to Highway 90.

11. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR DECLARED THE MEETING ADJOURNED AT 7:37 P.M.

GADSDEN COUNTY, FLORIDA

REGINA DAVIS, CHAIR

ATTEST:

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