

Walker County Planning Commission
Minutes

November 21, 2024
Walker County Civic Center
6:00 PM

ATTENDEES:

Planning Commission Members

Michael Haney
Randy Pittman
Todd Holt
Will Ingram
Cindy Askew
Stan Porter
John Morehouse
Rob Walthour
Zack Chapman
Jon Hentz

Walker County Planning Staff

Jon Pursley, Planning Director
Kristy Parker, Planning Commission Secretary

I. CALL TO ORDER:

Chairman Haney called the meeting to order at 6:00 P.M.

II. ROLL CALL

III. READING & APPROVAL OF THE OCTOBER 17, 2024 MEETING MINUTES:

Chairman Haney stated that there were some revisions on the minutes. He asked Kristy Parker to read the following changes. (5. McLemore Club LLC: Chairman Haney asked if there was a motion to approve or deny and if deny a reason why. Stan Porter asked if the proper procedures were done for this application. Mr. Horton came up and stated that he thought some of that information was about the buildings and not the request. He also stated that he saw the map that was sent for the first time tonight and that it was shifted and not correct. The applicant said he would not feel comfortable with the Planning Commission voting on this due to that and stated he would like to withdraw and resubmit. Per County Code Section 22-109(b) "an applicant may withdraw the application at a time prior to the vote by the Planning Commission but may not resubmit an application for the same amendment for a period of 6 months from the date of withdrawal." Regardless, a motion to deny was made by Zack Chapman due to the ordinance saying a buffer of 500 feet is required and no plans show that. Michael Hicks seconded the motion to deny. A unanimous vote to deny was held.) Zack Chapman stated that he did not believe they asked for a withdrawal and felt Chairman Haney was correct when he asked for a

withdrawal, deny or approve and that the minutes should reflect that. Chairman Haney said that they did show there was a unanimous motion to deny. Zack Chapman said that the word "like" should be taken out where it said that the applicant would like to withdraw and have resubmit also removed. He said that where Chairman Haney asked for a motion to withdraw, deny or approve be added. Section 5 McLemore Club LLC minutes now read as follows. (5. McLemore Club LLC: Stan Porter asked if the proper procedures were done for this application. Mr. Horton came up and stated that he thought some of that information was about the buildings and not the request. He also stated that he saw the map that was sent for the first time tonight and that it was shifted and not correct. The applicant said he would not feel comfortable with the Planning Commission voting on this due to that and stated he would recommend a withdrawal. Chairman Haney asked if there was a motion to withdraw, deny or approve and if deny a reason why. Zack Chapman made a motion to deny due to the ordinance saying a buffer of 500 feet is required and no plans show that. Michael Hicks seconded the motion to deny. The vote was unanimous to deny. Motion to deny carried.) Zack Chapman made a motion to revise the minutes with these changes. Randy Pittman seconded the motion. The vote to revise the minutes with these changes was eight in favor with Will Ingram abstaining due to not being at that meeting. Motion to approve revised minutes carried.

IV. MOTION TO OPEN THE PUBLIC HEARING:

Chairman Haney asked for a motion to open the public hearing. Rob Walthour made a motion to open the public hearing. John Morehouse seconded the motion. The vote was unanimous. Motion to open the public hearing carried.

V. PUBLIC HEARING:

Rezone:

1. **R.L. Wooten:** Chairman Haney asked if there was anyone present for Mr. Wooten. Mr. Wooten and Bobby Blakmore came forward. Mr. Blakmore said he was trying to buy the property from Mr. Wooten. He said he has a business in Walker County and trying to keep it in Walker County. Jon Pursley stated that the building has been used as commercial since it was built around 2002. Jamie Hulsey asked if C-1 was allowed in A-1 zones and Jon Pursley said not necessarily but every case is unique. Mr. Husley mentioned the comprehensive plan and to please consider that. Zack Chapman asked if Mr. Wooten had a buisness license.
2. **See Rock City:** Chairman Haney stated that Rock City has requested that their request be tabled until the next meeting and that they will have to go through the process again. A lady stood up and stated they were there on behalf of the neighbors by Rock City and asked if they would be notified of their next meeting and Kristy Parker said yes that she would mail letters back out with new dates. The gentleman asked if letter could be mailed out to others around besides the adjoining neighbors and Chairman Haney said that it just says to send to the adjoining properties.
3. **Kelly Lee & Paige Griffin:** Chairman Haney asked if anyone was present for Kelly and Paige Griffin. Paige Griffin came forward and stated they were trying to sell the property and wanted it rezoned to help with the sell. She asked if it could go to CBOD and Jon Pursley said that was the Overlay District

toward the north end of the county. Jon then explained that a couple of parcels had just been rezoned to residential in the past year. It was explained that this location was the old Pine Motel.

Variance:

1. **Randal Dalton:** Chairman Haney stated that the address was listed on the front page wrong but it was advertised and mailed out correct. He then asked if there was anyone present for Mr. Dalton. Bobby Howard came forward and stated that they would like to request a variance on the number of parking spaces as they have in the past. He stated this store will be right across from the Civic Center. He talked about the entrance. He stated that they are going to be doing this store in stack rock and back and board. Tina Groce came forward and asked if anything could be done about the fact that when you GPS the address it takes you to Snow Drive. Mr Howard said that Mr. Dalton made an agreement with the people on Snow Drive and has blocked that off and how the drive will be slightly moved. Mr. Ken Messinger that lives on Snow Drive said that they have got together and are planning on putting up a gate to keep it private.

VI. MOTION TO CLOSE THE PUBLIC HEARING:

Chairman Haney asked if there was a motion to close the public hearing. Todd Holt made a motion to close the public hearing. Zack Chapman seconded the motion. Cindy Askew asked about when the amendments would be voted on and discussed. Chairman Haney stated that he would open the public meeting back up.

VII. MOTION TO OPEN THE PUBLIC HEARING:

Chairman Haney asked for a motion to reopen the public hearing. Stan Porter made a motion to reopen the public hearing. Todd Holt seconded the motion. The vote was unanimous. Motion to reopen the public hearing carried.

Amendments To Land Development Regulations:

Sec. 22-156 Poultry Operations: Chairman Haney asked Cindy Askew to read over the Poultry House Regulation proposals. Cindy stated that she had worked with some of the local farmer and they have come up with these recommendations. See exhibit A. The only change would be to change the 300 feet to 200 feet in section (g) under recommendations.

EXHIBIT A

11.

ARTICLE IV. ZONING, DIVISION 2: DISTRICTS AND DISTRICT REGULATIONS; Section 22-156-178 is amended as follows:

Sec. 22-156. Poultry Operations.

- (a) Minimum acres required for 1-4 standard poultry houses containing 20,000 sq.ft. Per house (40X500) shall require a minimum of 35 acres and meet all setback/buffer requirements. Applicants building poultry houses containing more than 20,000 sq.ft. Will need to work with the Planning Office to determine the minimum acres needed to construct poultry houses and still meet all buffer/setback requirements. Each additional poultry house and or waste storage facility will require an additional 5 acres and meet all existing buffer/setback requirements. Producers should be aware that this minimum is based on a perfect square and additional acreage could be needed to place houses and meet all buffer/setback requirements.

Recommendation: Due to the significant variation in operation requirements, remove Sec. 22-156 (a) in its entirety and allow buffer/setback requirements to dictate acreage necessary for individual operations

- (b) A waste storage facility/stack house is subject to the same buffer/setbacks as a poultry house: 400-feet from the property line. Reciprocal buffer/setbacks apply from new residences to a waste facility: 200-feet from the property line/ 400-feet from an existing waste facility. The farm owner/operator or a residence provided to employees shall be exempt from setback requirements.

Recommendation: A waste storage facility/stack house is subject to the same buffer/setbacks as a poultry house: 200-feet from the property line. Reciprocal buffer/setbacks apply from new residences proposed adjacent to existing poultry operations utilizing a waste storage facility: 200-feet from the property line/400-feet from an existing waste facility. The farm owner/operator or a residence provided to employees shall be exempt from setback requirements.

ARTICLE IV. ZONING, DIVISION 3: SITE IMPROVEMENT STANDARDS; Section 22-184(e)-(h) is deleted in its entirety and replaced with the following:

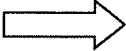
- (e) A buffer or setback of at least 400-feet is required between the A-1 Agriculture District and property zones A-1, R-1, R-2, R-3, C-1 and C-N. The measurement shall be from the property line to the nearest point of the poultry house. Such buffer/setback may be used for general or low intensity agricultural purposes but may not be used for feedlot, poultry, hog or dairy operations.

Recommendation: A buffer of at least 400-feet is required between the A-1 Agriculture District and property zones R-1, R-2, R-3, C-1 and C-N. The measurement shall be from the property line to the nearest point of the feedlot, poultry, hog, or dairy operation. Such buffer/setback may be used for general or low intensity agricultural purposes. A buffer of at least 200-feet with adequate woody vegetative measures installed if not existing will be required in A-1 property zones. The measurement shall be from the property line to the nearest point of the feedlot, poultry, hog, or dairy operation. Such buffer/setback may be used for general or low intensity agricultural purposes.

(f) A buffer or setback of at least 400-feet shall be required and maintained from any residential or commercial structure to the nearest point at which a feedlot, poultry, hog or dairy operation is taking place, within an A-1 district. The buffer/setback can be used for other general and low intensity agricultural uses. The farm operator/owner's or a residence provided to employees shall be exempt from the set back requirements.

Recommendation: Leave as is

(g) A buffer or setback of 400-feet will be required from a new residence to an existing poultry house or 200-feet from the property line to an existing poultry house. A 300-foot minimum setback will be required from the centerline of the road to the nearest point of a new poultry house.

 Recommendation: A buffer or setback of 400-feet will be required from a new residence to an adjoining existing feedlot, poultry, hog or dairy operation structure or 200-feet from the property line. A 300-foot minimum setback will be required from the centerline of the road to the nearest point of a new feedlot, poultry, hog or dairy operation.

(h) In the event of a screen, wall, fence, planted dividing strip or any type of buffer(hereinafter referred to as "Buffer") is required by this article , for any use the Buffer shall be subjected to periodic inspections by the County Office of Planning and Enforcement to determine that the Buffer is being properly maintained. Failure to properly maintain the Buffer to an acceptable standard may be deemed a violation of this section.

Recommendation: Leave as is

Sections (i) and (j) are additions/clarifications proposed based on public input:

- (i) Property line setbacks may be waived between family members deeding property to family members to the third degree for the purpose of constructing production facilities. Property line and residence setbacks to neighboring A-1 properties shall remain as aforementioned.
- (j) Regarding feedlots, poultry, hog or dairy operations in active production as of the date of this amendment, any new construction required due to fire, natural disaster, or mandated upgrades will be allowed on the existing footprint of the operation. Expansion of the operation will be subject to setbacks in place at the time of this revision.

Sec.22-334 Solar Energy System Special Use Permit: Chairman Haney read over the proposed ordinance see exhibit B. with recommended changes in (3) to have a minimum of 500 feet setback on all sides and only allowed in zones C-1 & I. (5) That no illuminated signs allowed. In (10) Add a section (e) to say that a bond be required every 12 month in case for decommissioning the site for clean-up.

EXHIBIT B

ARTICLE IV. ZONING, DIVISION 5: SPECIAL USES AND PERMITS is amended to include the following:

Subdivision IV. Solar Energy System (SES) Special Use Permit

Sec. 22-334. Solar Energy System Special Use Permit

Any SES shall meet the following requirements in order for a SES Special Use Permit to be issued:

1. A SES shall be constructed on a minimum of three or more acres, but shall not cover more than 20% of any parcel.
2. A SES connected to the utility grid shall provide a "proof of concept letter" from the local utility company acknowledging the SES will be interconnected to the utility grid in order to sell electricity to the utility entity.
3. A SES shall be setback from the property line a minimum of 50-feet in every zoning district where allowed. A SES shall be encircled by a security fence or wall a minimum of 6-feet tall. Screening vegetation shall be provided outside the security fence.
4. A ground mounting plan and process must be submitted with the permit application to the county. The ground mounting plan may consist of standard solar manufacturer installation plans and processes for ground mounting.
5. Signage. The names of the manufacturers, installers, facility owners, and facility operators, and their addresses and phone numbers shall be posted on the required fencing at each entrance of a SES. In addition, signage shall include a 24-hour emergency contact phone number and state the risks that may result from contact with a SES. No advertising or other signage shall be allowed around the solar energy system, with the exception of educational material.
6. Glare and lighting. In order to prevent a glare that may constitute a nuisance to neighboring properties, all panels shall be constructed of non-reflective materials or shall be treated with an anti-reflective material. If lighting is required, it shall:
 - a. Be limited to the minimum reasonably necessary for safe operation;
 - b. Be directed downward where reasonably feasible;
 - c. Incorporate full cut-off fixtures; and
 - d. Reasonably utilize motion sensors.
7. The operation of the SES shall comply with the following:
 - a. Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement from the Federal Aviation Administration may be necessary.
 - b. All power transmission lines from a ground mounted solar energy system shall be located underground after connection from the solar panel combiners to the interconnection point.

- c. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the ground mounted solar energy system and shall comply with the requirements of the county zoning code. Any disturbed land shall be stabilized by a permanent seeding of perennial vegetation, such as grass or other dense surface cover, that will protect the soil surface from eroding.
 - d. The applicant shall demonstrate that the proposal will not have an adverse effect on neighboring properties or endangered wildlife species.
- 8. A written emergency response plan is required for any SES. The plan shall be approved by the county's planning department, fire department, and emergency management agency prior to start of operations. Each SES owner or operator shall update its emergency response plan no later than the first Monday in January of each year with a copy provided to all departments and agencies named in this subsection. The emergency response plan shall include the following:
 - a. The phone number, email address, and street address for all manufacturers, installers, owners, and operators.
 - b. The phone number, email address, and mailing address for a representative of the SES responsible for responding to public inquiries.
 - c. The material safety data sheets that apply to any materials on the SES.
 - d. Clearly marked means and instructions for authorized staff to shut down the SES.
 - e. A representative for the owner or operator should have a reasonable response to the location in the event of an emergency.
- 9. In addition to a Special Use Permit, an applicant wanting to construct a SES shall also apply for and meet all of the requirements for a building/development permit.
- 10. Decommissioning. Unless otherwise approved, decommissioning shall begin no later than 12 months after a SES has ceased to generate electricity:
 - a. The SES and all structures associated with it shall be removed and recycled or otherwise reused to the extent reasonably practicable, at the owner(s) or operators expense.
 - b. The SES site shall be restored to as natural condition as possible within six months of the removal.
 - c. All disturbed land shall be stabilized by a permanent seeding of perennial vegetation such as grass or other dense surface cover that will protect the soil surface from erosion, prevent sediment and runoff at the site.
 - d. Before any project breaks ground, there must be a solar decommission plan in place for the future.

Chairman Haney then allowed questions from the audience and Jamie Hulsey came forward and thanked the Board for amending the minutes. He also said he did not understand how the Board of Commissioners takes action on preliminary minutes from this Board. He said it states in the enabling act that the Chairman represents the Board and he looks forward to seeing him, Mr. Haney at the meetings to represent the Planning Commission. He then spoke on the proposed solar ordinance and hoped they did not rush into it. Ned Yates then came forward and said he was glad that they are looking at C-1 for the zone.

VII. MOTION TO CLOSE THE PUBLIC HEARING:

Chairman Haney asked if there was a motion to close the public hearing. Todd Holt made a motion to close the public hearing. Rob Walthour seconded the motion. The vote was unanimous. Motion to close the public hearing carried.

IX. MOTION TO GO INTO NEW BUSINESS:

Chairman Haney asked if there was a motion to open new business. John Morhouse made a motion to open new business. Todd Holt seconded the motion. The vote was unanimous. Motion to open new business carried.

X. NEW BUSINESS:

1. R.L. Wooten: Chairman Haney asked if there was a motion to approve or deny and if deny a reason why. Randy Pittman made a motion to approve. Jon Hentz seconded the motion to approve. Todd Holt, Will Ingram, Stan Porter and Rob Walthour all voted in favor of the motion to approve the rezone. Zack Chapman, Cindy Askew and John Morehouse voted against the motion to approve. The motion to approve carried.

2. See Rock City. Chairman Haney asked if there was a motion to table the request made by Rock City. Todd Holt made a motion to table. Will Ingram seconded the motion to table. The vote was unanimous. Motion to table carried.

3. Kelly and Paige Griffin: Chairman Haney asked if there was a motion to approve or deny and if deny a reason why. Todd Holt made a motion to approve. Stan Porter seconded the motion to approve. The vote was unanimous to approve. Motion to approve carried.

4. Randal Dalton: Chairman Haney asked if there was a motion to approve or deny and if deny a reason why. Zack Chapman made a motion to approve. Todd Holt seconded the motion to approve. The vote was unanimous. Motion to approve carried.

5. Amendments to Land Development Regulations Sec. 22-156 Poultry Operations & Sec. 22-334 Solar Energy System Special Use Permit: Chairman Haney asked if there was a motion to approve or deny with the proposed recommendations made tonight. John Morehouse made a motion to approve with the recommendations. Zack Chapman seconded the motion to approve with the recommendations. The vote was unanimous. Motion to approve with recommendation carried.

XI: ADJOURNMENT:

Chairman Haney asked if there was a motion to adjourn. Todd Holt made a motion to adjourn. Rob Walthour seconded the motion. The vote was unanimous. Motion to adjourn carried.

<u>01-16-25</u>	
Date Submitted:	Planning Commission Chairman
<u>1-16-2025</u>	
Date Submitted:	Planning Commission Secretary
<u>01-16-25</u>	
Date Submitted:	Planning Commission Director