



PUTNAM COUNTY PLANNING & DEVELOPMENT

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Minutes

Thursday, August 04, 2022, ♦ 6:30 pm

Opening

1. Call to Order

Vice Chairman Maurice Hill called the meeting to order at 6:30 pm.

2. Attendance

Mrs. Angela Waldroup called the Attendance.

Present: Vice Chairman Maurice Hill, Member Martha Farley, Member Harold Jones, Member John Mitchell, Attorney Adam Nelson, Lisa Jackson, Courtney Andrews, Angela Waldroup

3. Rules of Procedures

Ms. Courtney Andrews read the Rules of Procedures.

Minutes

4. Approval of Minutes- July 07, 2022

Motion: Member Mitchell made the motion to approve the July 07, 2022, minutes

Second: Member Farley

Voting Yea: Vice Chairman Hill, Member Farley, Member Jones, Member Mitchell

Requests

5. Request by **Chad Smith** for conditional use at 938 Greensboro Road. [**Map 103A, Parcel 037, District 1**]. * **Mr. Joe Brown** represented this request.

Mr. Brown stated that his clients are in the dock building business and would like to expand their operation to the Lake Oconee area. They purchased the property with an existing building there. They are not interested in changing the zoning but requested a conditional use that would allow them to place a dock outside. This property is located on the gateway highway of Putnam County. They are willing to do whatever it takes in order to allow them to have the structure outside. The structure will be a dock with two boats and located to the left of the existing building. It would remain in line with the existing building. They noticed a house in the rear and plan to add a privacy fence. They would also add concrete paving. They felt that this company would be a good community partner. He added that if they were to sell the company at a later date, they would agree to the conditional use being removed. **No one spoke in opposition.**

The following people spoke in favor of the request and were given 3 minutes each:

Chad Smith

Jeremy Mathis

Member Mitchell asked if the facility would focus exclusively on Lake Oconee or would they do subsequent work on Lake Sinclair.

Mr. Chad Smith stated that majority of their work would be on Lake Oconee because the docks are different between the two lakes. If someone needed a dock, they would not deny services.

Staff recommendation was for approval of the proposed conditional use at 938 Greensboro Road [Map 103A, Parcel 037, District 1] with the following conditions:

- 1. There shall be no more than two-boat lifts displayed on the outside**
- 2. The outside display shall not be allowed in the front yard at any time.**
- 3. A screened privacy fence shall be erected and maintained along the rear of the property where it abuts S. Hidden Lake Drive.**

Motion: **Member Farley** made the motion to approve the request by **Chad Smith** for conditional use at 938 Greensboro Road [Map 103A, Parcel 037, District 1] with the following conditions:

- 1. There shall be no more than two-boat lifts displayed on the outside**
- 2. The outside display shall not be allowed in the front yard at any time.**

A screened privacy fence shall be erected and maintained along the rear of the property where it abuts S. Hidden Lake Drive.

Second: **Member Mitchell**

Voting Yea: **Vice Chairman Hill, Member Farley, Member Jones, Member Mitchell**

The request was approved by a vote of 4.

Items 6-8 were heard as one.

6. Request by **Adam Schulze**, for Conditional Use on Emory Drive [Map 111, Parcel 001045 001, District 4] currently zoned R-1. * **Attorney Matt Roessing** represented this request.

Attorney Adam Nelson explained that these parcels were presented a few months ago with a request to rezone them to agriculture. This body recommended approval of the request, but the Board of Commissioners denied it. In response, the applicant has filed a request for conditional for a more specific type of agricultural pursuit that would allow 4 horses, 8 goats, 12 chickens, a hayfield, and a farm pond. When Putnam County was alerted of the presence of this pond, they began soil and erosion control measures action against the owner under the understanding that certain ordinances and state statutes were not being followed. However, in the state of Georgia, the legislature has taken away the ability of local governments to regulate agricultural ponds. Once that agricultural pond was established, the county had to dismiss their actions for enforcement of the soil and erosion measures which created a zoning issue. The applicant requested that the court and the county rezone the properties to agriculture. That was denied and the applicant is now requesting a more specific conditional use. This did not mean that the county is allowing the pond. The code enforcement action is ongoing and if the case is not resolved on this path, the county will continue code enforcement against the pond itself.

Attorney Matt Roessing stated that he represented Adam Schultz and his mother Connie Barnes. They are requesting conditional use for 3 parcels that consist of approximately 40 acres. The parcels are part of about 130 acres of property owned by the applicant. The parcels to the south and east are all undeveloped and owned by the applicants family and consists of only one home. They would like to have a small farm as well as a pond to provide water to crops and animals. Connie and her husband were interested in building a house on the parcels so that they could spend time with their grandchildren, during their

retirement. When they came up with the plan, they started building the pond and assumed the land was agriculture because it looked agriculture and was a former Weyerhaeuser tree farm. The county comprehensive land use plan also identified it as agricultural land uses. If this property was in fact zoned agricultural, they would be able to do all of the things they planned to do without permission, but it was zoned residential. Back in 2006, Weyerhaeuser had applied for the property to be rezoned to residential with the possible intent of creating multiple developed properties. The land had been sitting vacant since 2006 with the addition of a few small houses. Since the land was never developed, it kept its agricultural character. They believe that there are numerous residential parcels where people keep animals and grow small crops. This is probably something that happens all the time and nobody really notices or cares about it. His clients were told that if they wanted to have a few animals, crops, and a pond to maintain them, they would need to rezone the property to agriculture or receive a conditional use. They first came and asked for a rezoning which was approved by the planning and zoning commission. Some of the commissioners had some concerns and they followed up with them with the concerns. They were worried that even though the family only wanted a limited agricultural use, if the parcels were rezoned to agricultural, they could then have a large agricultural use and do whatever was allowed in the agricultural zoning. The commissioners recognized that if they did not allow the applicants to rezone, they could do what Weyerhaeuser intended to do and create a big residential subdivision. The applicants and the neighbors do not want that. They provided 13 letters from neighbors in support of the small family farm. They do not want a big residential subdivision. They are offering a compromise and the conditional use application will allow the family to have a very limited agricultural use of 4 horses, 8 goats, 12 chickens, a 9-acre hayfield, and that would allow them to maintain the existing pond that will be regulated by the Army Corps of Engineers and Georgia EPD. This could never become a large farming operation. He added that the planning staff did not recommend approval for the conditional use, they did recognize a compromise and that this was a much less invasive use than the rezoning and suggested several restrictions. Staff would like an engineer to inspect the pond and see that the pond was properly built and functioning properly. This had already been done. The engineer went to visit the pond in June and had minor changes that needed to be made and Adam has made those changes. Staff has also requested a 100ft undisturbed buffer to the north and west where there are residential parcels. The applicants are happy to comply. He wanted clarification and stated that there is access to the property on Emory Drive and wanted to make sure the buffer did not include driveway access. **Ms. Jackson** confirmed it did not include the driveway. Staff added that the conditional use is limited to the specific agricultural use, and they will not have more than what would be approved. Lastly, staff requested that the applicant combine all three parcels and the family has agreed. They also intend on building one house on the combined 40acre property and be subject to all the restrictions that a residential property is restricted to. He wanted to clarify that with them not being able to develop the land, they could have a single 40-acre residential property. The conditional use is consistent with the comprehensive plan and the character of the area. They do not present health or safety issues and are supported by 13 neighbors. This will allow the applicant's family to enjoy a quiet healthy lifestyle with their children and grandchildren. He asks that they board recommends approval.

The following people spoke in favor of the request and were given 3 minutes each:

Adam Schulze
George Barnes
Connie Barnes

The following people spoke in opposition of the request and were given 3 minutes each:

Duane Gentes

Pamela Tibbitts

Attorney Roessing used the remainder of his time for rebuttal.

He stated that the statements that were made have been disproved by the evidence. They have had 2 engineers that have reviewed the cite. The city engineer inspected it, the dam was fine, and the water was coming through clear. What they are talking about is an intermittent stream that is no more than a drainage ditch. During this hot summer you will not see a flow down the stream. This pond has not affected the flow and is not allowed to affect the flow. This is what the Army Corps of Engineers and GA EPD will monitor. It is all included on the email that was submitted for the records. He understands how the neighbors feel but the facts and the evidence show that this is not an issue. The silt has been a problem in that cove for years. Nothing Mr. Schulze has done or nothing that can possibly happen in the future will affect the level of silt in the cove. It is a problem they have had to deal with for years and has nothing to do with these procedures. At this point removing the pond will cause a major land disturbance which they are trying to prevent. They do understand that Mr. Schulze got off on the wrong foot with the county, but they have done everything possible to make sure this pond is safe and meets all the applicable requirements and will continue to do so.

Member Jones asked Attorney Nelson for clarification on whether the pond was out of their scope.

Attorney Nelson clarified that with respect to the soil and erosion issues, which is not within their scope, but the pond is one of the agricultural uses that would be allowed by conditional use. With respect to issues regarding the drainage or impact of downstream water, which is not an issue for this body to consider. If the county were to grant the conditional use, they would allow some agriculture use in a residential zoning. It would include the listed animals and the maintenance operation existence of a farm pond.

The applicant has previously requested a rezoning for the subject property from R-1 to AG. Staff previously recommended denial of the requested rezoning on the basis that the proposed change in use would adversely impact neighboring properties. Staff recognizes the requested conditional use would result in a less intensive use of the parcels and would otherwise have a less adverse impact on the adjacent property uses. However, staff finds the requested conditional use is not compatible with the existing use of adjacent properties, and, therefore, recommends denial. Nevertheless, in the event the governing authority approves the requested conditional use, staff recommends the following conditions:

- 1. The applicant shall provide certification that the dam was constructed in compliance with all applicable permitting authorities' requirements and is suitable to support the impoundment and associated flow. This certification shall be done by licensed civil engineer specializing in dam design and construction.**
- 2. A 100 ft natural undisturbed buffer shall be established and maintained along Emory Drive and where the property abuts the adjacent R-2 parcels**

3. **This conditional use shall be limited to 4 horses, 8 goats, 12 chickens, a hayfield, and the existing farm pond.**
4. **Map 111, parcels, 001045 001, 001045 002 and 001045 003 shall be combined together and cannot be developed, further subdivided, or sold as standalone parcels.**
5. **This rezoning approval shall be conditioned upon the resurveying and recordation in the Superior Court of Putnam County of an accurate plat within 60 days of approval by the board of commissioners. A copy of the recorded plat shall be filed with the planning and development department director. Failure to file a plat pursuant to this subsection shall have the effect of invalidating the rezoning action as stated in Section 66-165(e)(3) of the Putnam County Code of Ordinances.**

Staff recommendation was for denial of the proposed conditional on Emory Drive [Map 111, Parcel 001045 001, District 4] currently zoned R-1.

Ms. Jackson clarified that staff recommendation is for denial. However, if the board was looking to recommend approval staff recommends that they recommend adding the aforementioned conditions.

No further discussion

Motion: **Member Mitchell** made a motion to approve the request by **Adam Schulze**, for Conditional Use on Emory Drive [Map 111, Parcel 001045 001, District 4] currently zoned R-1 with the following conditions:

1. **The applicant shall provide certification that the dam was constructed in compliance with all applicable permitting authorities' requirements and is suitable to support the impoundment and associated flow. This certification shall be done by licensed civil engineer specializing in dam design and construction.**
2. **A 100 ft natural undisturbed buffer shall be established and maintained along Emory Drive and where the property abuts the adjacent R-2 parcels**
3. **This conditional use shall be limited to 4 horses, 8 goats, 12 chickens, a hayfield, and the existing farm pond.**
4. **Map 111, parcels, 001045 001, 001045 002 and 001045 003 shall be combined together and cannot be developed, further subdivided, or sold as standalone parcels.**
5. **This rezoning approval shall be conditioned upon the resurveying and recordation in the Superior Court of Putnam County of an accurate plat within 60 days of approval by the board of commissioners. A copy of the recorded plat shall be filed with the planning and development department director. Failure to file a plat pursuant to this subsection shall have the effect of invalidating the rezoning action as stated in Section 66-165(e)(3) of the Putnam County Code of Ordinances.**

Second: **Member Jones**

Voting Yea: **Vice Chairman Hill, Member Farley, Member Jones, Member Mitchell**

The request was approved by a vote of 4.

7. Request by **Adam Schulze**, for Conditional Use on Emory Drive [Map 111, Parcel 001045 002, District 4] currently zoned R-1. *

Staff recommendation was for denial of the proposed conditional on Emory Drive [Map 111, Parcel 001045 002, District 4] currently zoned R-1.

Motion: **Member Mitchell** made a motion to approve the request by **Adam Schulze**, for Conditional Use on Emory Drive [Map 111, Parcel 001045 002, District 4] currently zoned R-1 with the following conditions:

1. **The applicant shall provide certification that the dam was constructed in compliance with all applicable permitting authorities' requirements and is suitable to support the impoundment and associated flow. This certification shall be done by licensed civil engineer specializing in dam design and construction.**
2. **A 100 ft natural undisturbed buffer shall be established and maintained along Emory Drive and where the property abuts the adjacent R-2 parcels**
3. **This conditional use shall be limited to 4 horses, 8 goats, 12 chickens, a hayfield, and the existing farm pond.**
4. **Map 111, parcels, 001045 001, 001045 002 and 001045 003 shall be combined together and cannot be developed, further subdivided, or sold as standalone parcels.**
5. **This rezoning approval shall be conditioned upon the resurveying and recordation in the Superior Court of Putnam County of an accurate plat within 60 days of approval by the board of commissioners. A copy of the recorded plat shall be filed with the planning and development department director. Failure to file a plat pursuant to this subsection shall have the effect of invalidating the rezoning action as stated in Section 66-165(e)(3) of the Putnam County Code of Ordinances.**

Second: **Member Jones**

Voting Yea: **Vice Chairman Hill, Member Farley, Member Jones, Member Mitchell**

The request was approved by a vote of 4.

8. Request by **Adam Schulze**, for Conditional Use on Emory Drive [Map 111, Parcel 001045 003, District 4] currently zoned R-1. *

Staff recommendation was for denial of the proposed conditional on Emory Drive [Map 111, Parcel 001045 003, District 4] currently zoned R-1.

Motion: **Member Mitchell** made a motion to approve the request by **Adam Schulze**, for Conditional Use on Emory Drive [Map 111, Parcel 001045 002, District 4] currently zoned R-1 with the following conditions:

1. **The applicant shall provide certification that the dam was constructed in compliance with all applicable permitting authorities' requirements and is suitable to support the impoundment and associated flow. This certification**

shall be done by licensed civil engineer specializing in dam design and construction.

2. A 100 ft natural undisturbed buffer shall be established and maintained along Emory Drive and where the property abuts the adjacent R-2 parcels
3. This conditional use shall be limited to 4 horses, 8 goats, 12 chickens, a hayfield, and the existing farm pond.
4. Map 111, parcels, 001045 001, 001045 002 and 001045 003 shall be combined together and cannot be developed, further subdivided, or sold as standalone parcels.
5. This rezoning approval shall be conditioned upon the resurveying and recordation in the Superior Court of Putnam County of an accurate plat within 60 days of approval by the board of commissioners. A copy of the recorded plat shall be filed with the planning and development department director. Failure to file a plat pursuant to this subsection shall have the effect of invalidating the rezoning action as stated in Section 66-165(e)(3) of the Putnam County Code of Ordinances.

Second: **Member Jones**

Voting Yea: **Vice Chairman Hill, Member Farley, Member Jones, Member Mitchell**

The request was approved by a vote of 4.

New Business

Summer GAZA Conference

Adjournment

Meeting adjourned at approximately 7:17 pm

Attest:

Lisa Jackson
Director

Maurice Hill
Vice-Chairman