

After Agenda

**Board of Commissioners of Spalding County
Zoning Public Hearing
Thursday, April 22, 2021
6:00 PM
Room 108, Annex Building**

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 of the Spalding County Annex on Thursday, April 22, 2021, beginning at 6:00 p.m. with Chairman Clay Davis presiding. Commissioners Gwen Flowers-Taylor, Rita Johnson, James Dutton and Ryan Bowlden were present for the meeting. Also present were County Manager, William Wilson, Assistant County Manager, Michelle Irizarry, County Zoning Attorney, Newton Galloway, Community Development Director, Deborah Bell and Kathy Gibson, Executive Secretary to record the minutes.

- A. Opening (Call to Order)** by Chairman Clay W. Davis.

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

- B. Invocation**

Commissioner James R. Dutton, District #2, delivered the Invocation.

- C. Pledge to Flag**

Commissioner Rita Johnson, District #3, led the Pledge to the Flag.

- D. Public Hearings:**

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics as they relate to matters being considered by the Board of Commissioners on this Agenda. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

- E. New Business**

1. **Application #21-02Z:** Herb Hatlee, Owner – 445 Patterson Road (6.86 ac., more or less, located in Land Lot 90 of the 3rd Land District) – requesting a rezoning from R-1, Single Family Residential, to AR-1, Agricultural and Residential.

Deborah Bell, Community Development Director, stated that The Hatlee's live on Patterson Road which is a very rural area. They have approximately 10 acres of land on which the zoning is split. They initially purchased 6.86 acres and later purchased 3 acres that joins this property to the north and had the parcels combined. The upper three acres is currently zoned AR1. The property was originally zoned AR1 and in 1996 it was rezoned to R1, but they have a small mini-farm and it is their desire within the legal requirements to be able to pursue some other agricultural uses on the property such as having chickens and raising other crops, so he sought to rezone.

Staff has recommended approval and the Planning Commission at their meeting on March 30, 2021 also recommended approval.

Mr. Wilson stated that no one had signed up to speak.

Motion/Second by Dutton/Flowers-Taylor to approve Application #21-02Z: Herb Hatlee, Owner – 445 Patterson Road (6.86 ac., more or less, located in Land Lot 90 of the 3rd Land District) – requesting a rezoning from R-1, Single Family Residential, to AR-1, Agricultural and Residential.

Commissioner Flowers-Taylor then stated that she loves the fact that someone is wanting to go to lower density, so she is all for that.

Motion carried unanimously by all.

2. **Amendment to UDO #A-21-04:** Appendix M: Spalding County Solar Energy Development Ordinance.

Ms. Bell advised that we have had a number of requests within the last 4-5 months from people looking at the possibility of developing Solar Panel Farms on parcels ranging from 50-150 acres. Those are the properties they have expressed interest in, so staff asked Mr. Galloway to develop an ordinance which is based on a Model Ordinance.

Mr. Galloway stated that he would like to disclose that from 2008-2020 his firm represented the Georgia Solar Energy Industry in matters in front of the Public Service Commission and Spalding County has not typically been identified as a target for development for two reasons: (1) we don't have the larger property tracts that are available in South Georgia and (2) the tracts that are available cost more. He then advised that the main thing that Georgians have learned regarding solar is the key economic driver is the price of land, but as Georgia Power's programs and as EMC Green Energy have begun to solicit solar generation, it has made its way to us.

Mr. Galloway then advised that the ordinance being presented this evening is a variation on a model ordinance that was drafted in 2016 in conjunction and in a joint effort between Georgia-Power, the Solar Energy industry, Emory, Georgia Tech and the University of Georgia. This ordinance allows people within Spalding County to deploy all sizes, shapes and facets of solar energy with certain restrictions based upon the type of solar generation and where the solar generation is located.

Mr. Galloway then stated that the ordinance defines a solar energy system and it defines the differences between a ground mounted solar system (a solar farm or something that is on the ground apart from a building), an integrated solar energy system (where you can deploy roofing shingles that are solar generators) and roof top solar energy system (placed on the roof of homes, goes into a convertor and supplies energy to a residence or business) allowing the owners to reduce their electric bill.

Mr. Galloway advised that with all forms of energy generation, there is no perfect energy generation source, all have positive and negatives and solar is not immune to some negatives, though it is clean and it is quiet. The criticisms of solar is it takes up farmland and what happens when the solar project is decommissioned?

Mr. Galloway stated that what staff has done is developed an appendix for solar

and if the Board approves this, staff will go back and identify where solar and what forms of solar are appropriate within the zoning districts and that ordinance will come back to you based on the definitions contained in this appendix. Bottom line is, in residential zones you will be able to have an integrated solar system or a roof top solar system and in commercial zones you will be able to have the same. The larger farms will have to be located and limited to agricultural zones and those will be tract dependent and size dependent.

Mr. Galloway then advised that by the end of 2023, Georgia will have moved to being the top 10 states for renewable energy generation by solar and biomass. We have very little wind generation here because you have to build way up high to take advantage of that and we will have deployed almost 5 Gigawatts over the past 10-15 years by that time. What we will see in Griffin and in Spalding County will be smaller distributed generation projects meaning it is dispersed, you don't have a mass of solar panels on a 2,000 acre tract such as you have in Twiggs County which is the largest solar farm in the southeast.

Mr. Galloway stated that both Georgia Power and Green EMC have programs that allow people to deploy smaller projects that are called Stand Alone Distributed Generation, they are not tied to somebody's meter, but function on their own and that power is sold directly to either the EMC or to Georgia Power pursuant to a 20-30 year power purchase agreement.

The ordinance tracks this and the ordinance divides them by size and we will come back with additions to the ordinance to identify where they are appropriate, in which district and in what form.

Commissioner Flowers-Taylor expressed her concern regarding the reflections off the solar panels. She advised that the solar farm in Twiggs County if you go down that road at certain times of the day when you hit that area you are completely blind, so her concern would be could we provide a topographical survey with this, that would be the difference in you having these panels on a level piece of ground and you having it on a hill and pointed in whichever direction. It's not enough to have a berm if the berm is 15' and the topography is 20-30 feet above the berm level. The other thing is once the equipment is installed who would inspect to make sure it is installed properly?

Mr. Galloway stated that the "off-taker" and the "grid operator," both have to come in and review the electronic connection and the person that deploys the solar array also has to enter into what is called an Inner-connection Agreement because you might guess and he used the Twiggs location for the example. A 2,000 acre farm that is generating 200 megawatts of electricity probably exceeds the capacity of that electric grid serving Jeffersonville. So, the developer is required by the utility with which they are inner-connecting to do upgrades to do site upgrades that are required to make the transition from the solar panel farm into the grid uninterrupted and seamless. Georgia Power, Georgia Transmission Company and GTC is a consortium of Georgia Power, EMCs and MEAG have standards and guidelines governing inner-connection. The utility governs that inter-connection to make sure there are no impacts on their grid.

Commissioner Flowers-Taylor then stated that takes care of the solar farms, but who would be responsible to make sure that the individual solar systems on peoples' homes and businesses are safe, who would do those inspections.

Mr. Galloway advised that they would still have to inner-connect with either an EMC or the City. The utility has to inspect to make sure there is no impact to

the grid, even if it a small system.

After significant discussion by board members and staff regarding solar farms reflections and how it affects airplanes as well as decommissioning plan for equipment on these farms at the end of life.

Mr. Galloway then advised the Board that they could approve this on first reading with proposed amendments to deal with topographic site prevention, airport restrictions and the addition of a bond as part of decommissioning and staff will have those prepared before second reading.

Motion/Second by Dutton/Flowers-Taylor to approve on first reading Amendment to UDO #A-21-04: Appendix M: Spalding County Solar Energy Development Ordinance with the three amendments discussed: topographic site prevention, airport restriction and a decommissioning bond. Motion carried unanimously by all.

3. **Amendment to UDO# A-21-01:** Amendment to UDO (or Zoning Ordinance), Section 202, Housing Definitions "Barndominium;" Article 5 AR-1 Agricultural-Residential to add Section 503(B)(25), Barndominium as Principal Use Special Exception; Article 6 AR-2 Rural Reserve to add Section 603(B)(17) Barndominium as Principal Use Special Exception and Article 6A AT Agriculture Tourism 604A(A)(6) Barndominium as Permitted Use.

Ms. Bell stated that this is a trend in construction, a Barndominium or a barn house. We have had a number for requests for Barndominiums and they are at their most basic a metal building that is finished to be a residential dwelling, it meets all of the building codes, it meets all construction codes with fastening, insulation and electrical, plumbing, but in its simplest form it looks like a butler building. Because we have received so many request, staff felt that the appearance of an industrial structure in a residential zoning wasn't appropriate so we wanted to provide some definitions and some architectural guidelines and to restrict it to an agricultural zoning district, where it would be more visually appropriate. At the Planning Commission meeting on March 30, 2021, we settled on requiring 25% of conventional exterior architectural materials.

Commissioner Flowers-Taylor then asked if this type of construction would only be in rural areas?

Ms. Bell advised it is planned for AR1, AR2 and AT, the three agricultural districts. One variation on this type of construction that is pretty common is the upper area of the structure is used as the living quarters and the first floor is the garage or barn area, or both.

Mr. Wilson then advised that this is one structure that performs two functions.

Commissioner Bowlden stated that he loves the Barndominium concept and he has already drawn one out for his personal use. He loves that he can live in one section and then walk through the door and potentially have the ability to change his oil.

Mr. Galloway stated that in order to keep this type of construction from being along the lines of an Amazon Warehouse barn as part of the residence, in the definitions it is stated that the barn can exceed the minimum heated floor area of the dwelling by a factor of three. So if you hve a 2,000 square foot house, you

can have 6,000 feet of under the same roof barn space. That barn space can be for anything you want, you can grow hydroponic plants, you can store your truck, you can use it for a painting studio. We did not address that it had to be an agricultural use in the barn.

Commissioner Dutton then stated that we have been talking about “Raise the Bar” when it comes to construction and we have been going to staff and saying that when we don’t have a building code and then zoning we have the different zones and basically a copy and paste of this is what the building code is for the zone. So, we wanted to change the building code so that anyone who builds anywhere has utilize a certain level of building materials on the projects. This may be a chance in this ordinance and in the next one to add that language. However, if we have an across the board building code where we can change it and it apply to all construction, it is going to be much easier to change that because that applies to all construction in all zones as opposed to applying it zone for zone.

Mr. Galloway stated that we currently have standard construction building codes. We have certain aesthetic design criteria principally in the zoning ordinance that are not part of the substitutive building code or construction codes and those have been historically tied to the zoning district that they were in. If, for example you wanted to have a provision dealing with double pane windows, that would not be in building codes that Code Enforcement goes out to see, those would be part of our regulations on top of the construction code and we would be entitled to adopt those, unless the legislature passes something next year that says you can’t.

Commissioner Dutton stated that he understands that we have adopted the construction criteria almost wholesale from the international whatever. We need to add our own requirements above and beyond that for all zones everywhere. The aesthetic things like Barndominiums can only be an agricultural zones, but that is an aesthetic choice than a logistical choice, but he want’s Barndominuims and the Mill Villages to have to use a certain level of plumbing pipe, a certain quality of roofing a certain grade of double pane window or a certain level of insulation. He wants everyone to have to do that. He wants any building in Spalding County to be better and he feels it is the building code that needs to have additions made to the basic code to bring it up to this level.

Mr. Galloway then stated it is obvious that the Board has talked about this, he then asked if there is a list of requirements? If not, let’s find people who would know what an improved standard would be on those type things, which are not going to be in the International Building Codes that staff currently has to apply.

Commissioner Dutton stated that for years the Board has been asking for verbiage to increase these standards. Literally his first retreat in January after taking office the theme was “Raise the Bar” and the theme was how are we gong to change these codes and we haven’t seen them.

Mr. Galloway stated that he has heard the Board say they want to raise the bar and to him that meant things like more restrictive housing policy, larger homes, or design aesthetics. One of the things that he has learned when first started this and started working on zoning, a larger house does not mean a better house and he learned that the hard way. We have houses that are 2,000+ square feet that the quality of construction in the neighborhood is not what you would have

wanted to see. So, if you are talking a certain level of insulation, double pane windows to a certain level, that is a different question than what he though he was hearing with "Raise the Bar." So, he does take some responsibility for that and also when you get to aesthetics, you have to understand that you can't regulate everything. At some point you can over-regulate those type things, which are the impetus for the bills that you have seen in the Legislature to try to take this away from your home rule. The things you are talking about now are different and they need to be in a class to themselves that apply across the residential districts and this is principally a residential issue.

Chairman Davis then advised that he has an idea on how to do what Commissioner Dutton is wanting and to get it fixed in a short period of time.

Motion/Second by Johnson/Dutton to amend Amendment to UDO# A-21-01: Amendment to UDO (or Zoning Ordinance), Section 202, Housing Definitions "Barndominium;" Article 5 AR-1 Agricultural-Residential to add Section 503(B)(25), Barndominium as Principal Use Special Exception; Article 6 AR-2 Rural Reserve to add Section 603(B)(17) Barndominium as Principal Use Special Exception and Article 6A AT Agriculture Tourism 604A(A)(6) Barndominium as Permitted Use. Motion carried unanimously by all.

4. **Amendment to UDO #A-21-02:** Article 22C: MV Mill Village Overlay District.

Ms. Bell stated that what staff has seen with the mills being gone, many of those sites the buildings are either partly demolished or totally demolished and in some cases the buildings are still there, but the zoning underlying these areas was C-2 which was appropriate when the mills were operating. There are a number of zoning districts in these mill areas. So, what the overlay does is provides a standard for all of the districts and overrides the underlying zoning district. This would preserve the primary residential character of the area that is there now, it would help preserve the historic nature of the buildings in the neighborhoods and it would also help prevent certain heavy duty industrial type uses from coming back into these areas that are no longer an industrial use.

Mr. Galloway reviewed overlays for both the East Griffin area and the Experiment area which covers the Bleachery and Dundee #1.

Commissioner Dutton asked what the new designation would be, is it uniform R5?

Mr. Galloway advised that it would be uniform Mill Village which will allow 1,000 square feet in the homes. R5 is a minimum of 1,500 square feet. The reason for this is for consistency of size. Mr. Galloway then reviewed the overlays for the Board.

Mr. Galloway stated that the houses in these areas have significantly declined, most of them are in poor shape, many of them are rental units, but if you keep C-2 without some restriction from another heavy use coming in there and particularly given the size of these C-2 properties on both ends of Griffin, you further deteriorate that mill village. The likelihood is that you will not have another mill that comes in to replace the social significances of the textile mills

that were there. If we were in the '30's or '40's of the last century, the mills would be active on those properties and the people from those houses would be walking to work, walk home to eat lunch then return to work and walk home in the evenings is extremely unlikely. So, the purpose of the overlay is to prevent development in C-2 which could be put in as a matter of right from impacting the residential properties, so as to encourage redevelopment. His personal opinion is that this redevelopment plan and the overlay provide an opportunity for people to build attractive, historically significantly styled houses that are affordable and these have the ability to take the old mill sites to be new residential developments.

Mr. Galloway then advised that neighborhood commercial uses will be allowed as a special exception that will have to come before the Board to approve.

Mr. Galloway stated that this ordinance is modeled after a similar ordinance that they found in a North Carolina Mill Town that had similar house style construction. Ms. Bell found this ordinance and he will admit to copying the ordinance, it is a public record and not copyrighted. The ordinance, as written, encourages single family home ownership in affordable housing rather than multi-family rental units and it is the inability of the people in Griffin to be able to accrue equity that, in his opinion, is our greatest disparity. The ordinance also preserves the heritage of the people who worked in those mills.

Butch Armstead, 871 Jackson Street, Zebulon. Mr. Armstead state that he works at Murray Company Realtors and he is very excited about this project. He learned about it yesterday on a conference call with Mr. Galloway and Ms. Bell and being a broker and being a realtor for Murray Company Realtors, he can assure the Board there is an incredible demand for housing under \$200,000 in value. He realizes the price of lumber is through the roof and going higher, but this type housing would be in incredible demand. Sewerage is going to be a huge challenge, but that whole area will do nothing but increase in value and create opportunities for home ownership. He stated that he cannot tell you how important home ownership it. That is when you create equity in your home it creates pride of ownership and it just multiplies through the community.

Mr. Galloway then stated that he expects to get significant push back from landlords after this is in place and the Board needs to get prepared for it. Sometimes the unintended consequences are that in order to repair you have to comply with the new rules and regulations.

Motion/Second by Flowers-Taylor/Johnson to approve on first reading Amendment to UDO #A-21-02: Article 22C: MV Mill Village Overlay District. Motion carried unanimously by all.

5. Consider approval of Resolution to extend a moratorium on development on properties located within Spalding County with road frontage along U S Highway 19/41 pending enactment of a Development Overlay District.

Mr. Galloway stated that he and Ms. Bell have prepared an overlay for 19/41 which we refer to as the North Expressway Improvement District. In its present form it will look like Arthur K. Bolton coupled with material that we have pull from Coweta County where they have enacted overlays for their major state highways. It will be heavy on landscaping and short on cars. The Planning

Commission looked at this last month and wanted more time to review it, so it is now on their Agenda for Tuesday night and depending on what they do, it will come to you next month. So as a result, you have a request for moratorium which runs through July and you should have this ordinance by next month. It is much more complex than the Mill Village Overlay.

Motion/Second by Flowers-Taylor/Johnson to approval of Resolution to extend a moratorium on development on properties located within Spalding County with road frontage along U S Highway 19/41 pending enactment of a Development Overlay District until July 22nd, 2021. Motion carried unanimously by all.

6. Consider approval of resolution to extend a moratorium on the acceptance of an application for permits for construction of a Barn as a residential dwelling within Spalding County.

Mr. Galloway stated that Mr. Wilson caught the fact that the Moratorium ends this evening, but you have a second reading at your meeting in May, so the extension of this would go just to the second reading date on May 3, 2021.

Motion/Second by Dutton/Flowers-Taylor to approve a resolution to extend a moratorium on the acceptance of an application for permits for construction of a Barn as a residential dwelling within Spalding County until May 3, 2021. Motion carried unanimously by all.

7. Consider approval of a Resolution to extend a moratorium on the acceptance of an application for Rezoning, Permit Application for Improvement and/or Development and Request for Approval of Construction plans for certain properties currently zoned "C-2 Manufacturing" under the Zoning Ordinance of Spalding County.

Mr. Galloway advised that this is the same thing, the C-2 Moratorium was to provide time to get the Mill Village adopted, you will adopt this on second reading on May 3rd, so we will have the moratorium expire that night after you have adopted it on second reading.

Motion/Second by Flowers-Taylor/Bowlden to approve a Resolution to extend a moratorium on the acceptance of an application for Rezoning, Permit Application for Improvement and/or Development and Request for Approval of Construction plans for certain properties currently zoned "C-2 Manufacturing" under the Zoning Ordinance of Spalding County until May 3rd, 2021. Motion carried unanimously by all.

F. Other Business

G. Closed Meeting

1. ***County Zoning Attorney requests an Executive Session for consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1).***

Motion/Second by Flowers-Taylor/Johnson to enter into an Executive Session for consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1) at 8:16 p.m. Motion carried unanimously by all.

Motion/Second by Dutton/Flowers-Taylor to close the Executive Session at 8:55 p.m. Motion carried unanimously by all.

H. Adjournment

Motion/Second by Flowers-Taylor/Johnson to adjourn the meeting at 8:55 p.m. Motion carried unanimously by all.