

**CALHOUN COUNTY BOARD OF COUNTY COMMISSIONERS
PLANNING COMMISSION MEETING
JULY 24, 2018**

PRESENT AND ACTING:

**DANNY RAY WISE, CHAIRMAN
GENE BAILEY, VICE-CHAIRMAN
DARRELL MCDUGALD
DENNIS JONES
JERAL HALL**

**CLAY MILTON, ATTORNEY
CARLA A. HAND, CLERK OF COURT AND COUNTY COMPTROLLER
SARAH WILLIAMS, CLERK ADMINISTRATIVE ASSISTANT**

The meeting was called to order by Chairman Wise at 5:00 p.m., CT.

Mr. Frank Snowden, County Planner, reviewed with the Board the proposed changes to the Comprehensive Plan and the goals of the changes. Mr. Snowden stated the amendment clarifies development is allowed on building sites located outside the special flood hazard area. Mr. Snowden stated a goal of the Comprehensive Plan Amendment would be to allow the creation of parcels in wetlands and floodplains if desired, but the Comprehensive Plan and the Land Development Regulations would still control the development of these parcels. Mr. Snowden stated the Comprehensive Plan Amendment would allow development within the special flood hazard area at the density specified on the Future Land Use Map, by eliminating the density specified currently as one (1) unit per twenty (20) acres and using the underlying density. Mr. Snowden stated Calhoun County's Floodplain Management Ordinance makes provisions for development in flood zones. Mr. Snowden went over the proposed amendments with the Board.

1. Objective 4: Mr. Snowden stated the density on Objective 4 was listed as a maximum density of one (1) unit per twenty (20) acres, and would be modified to the underlying land use district, and would add the County would comply with their Floodplain Management Ordinance.
2. Policy 4.2: Mr. Snowden stated he changed this policy to read, "Developers would be required to comply with the best management practices from these agencies, encouraged to locate and cluster the housing in the non-flood prone portion of the site, and prohibit the storage of hazardous waste and materials within the floodplain." Mr. Snowden stated the prohibition of storing hazardous waste and materials is also covered in the County's Floodplain Management Ordinance.
3. Mr. Snowden stated many property owners have objected to the language in the Comprehensive Plan that states no new parcels, tracts of land, or divisions may be created entirely in wetlands or floodplains. Mr. Snowden stated in changing the Comprehensive Plan to allow the creation of new parcels entirely in wetlands and floodplains would allow property owners to divide and sell their land, and any development would be subject to the Floodplain Management Ordinance.
4. Mr. Snowden stated in Objective 6 of the Comprehensive Plan he deleted the word floodplain because the Objective is dealing with wetlands, and inserted Objective 6A, which states development of floodplains would be in accordance with the County's Floodplain Management Ordinance.

5. Mr. Snowden stated in the Land Use Categories of the Comprehensive Plan for residential land use it is proposed to strike the maximum density of one (1) unit per five (5) acres and use the underlying land use density. Mr. Snowden stated development shall be in conformance with the Department of Health regulation of lot sizes, no development would be allowed within fifty (50) feet of wetlands, and all areas designated as special flood hazard areas would comply with the County's Floodplain Management Ordinance. Mr. Snowden stated in all the other land use districts he has also proposed to use the underlying land use densities, and comply with the County's Floodplain Management Ordinance.
6. Mr. Snowden stated in the Conservation Element he has proposed to strike the language that says no new parcels could be created in the floodplain, and to insert that the underlying land use densities would be used and development would comply with the County's Floodplain Management Ordinance.
7. Mr. Snowden stated in Policy 4 regarding storm water management in the Future Land Use Element of the Comprehensive Plan he has inserted the word control, rather than restrict, where new development is concerned. Mr. Snowden stated he has also struck the density of one (1) unit per twenty (20) acres, and replaced the word prohibit with discourage.
8. Mr. Snowden stated Objective 3 of the Future Land Use Element would be changed to state the County would protect the 100 year floodplain, and encourage developers to locate and cluster housing in the non-flood prone portion of the site. Mr. Snowden stated this would be accomplished by requiring a development permit along with a fee, which would require adoption of an ordinance. Mr. Snowden stated it is proposed to strike that development of existing lots shall be required to elevate two (2) feet above base flood elevation, because this is covered in the Floodplain Management Ordinance. Mr. Snowden stated it is proposed to strike the language stating development in flood prone areas shall be required to maintain a density 50% less than underlying areas. Mr. Snowden stated Policy 3.4 has been changed to 3.3, and Policy 3.5 has become 3.4.

Mr. Snowden stated this is the extent of the proposed amendment based on the minutes from the previous meetings. Commissioner Jones asked if the elevation of two (2) feet above base flood elevation would be kept as a requirement for building in the floodplain. Mr. Snowden stated the County's Floodplain Management Ordinance must be changed to remove this requirement. Commissioner Jones stated he believes this is something the Board should change. Mr. Snowden stated he has plans to work on the Ordinance.

Chairman Wise asked for public comment regarding the proposed amendment to the Comprehensive Plan. Mr. Matthew Griffin stated he is in favor of the Comprehensive Plan Amendment. There was no further public comment.

Mr. Snowden stated a motion is needed to recommend to the Board of County Commissioners to transmit the proposed amendment to all the reviewing agencies, who then have thirty (30) days to review the amendment and make any comments. There was further discussion about the Comprehensive Plan amendment.

- ❖ Commissioner McDougald made a motion to recommend to the Board of County Commissioners to transmit the proposed amendment to all the reviewing agencies. Commissioner Bailey seconded the motion. The motion passed unanimously 5-0.

Mr. Snowden stated the second item of business for the Planning Commission is the continuance of the hearing for the Conditional Use Permit application for a cell tower on John Redd Road. Mr. James

Johnston with Shutts and Bowen, 300 South Orange Avenue Orlando, FL, presented on behalf of the applicant. Mr. Johnston stated they propose to install a 250-foot self-support cell tower on a 100 by 100 foot lease area on the larger parent parcel that would be accessed by John Redd Road. Mr. Johnston stated the tower would not be in a flood zone and meets district setbacks and fall zone requirements. Mr. Johnston stated the tower is designed with hinge points to fall onto itself, and the fall zone is on the parent parcel. Mr. Johnston stated the tower would allow co-location of other antennas to prevent tower proliferation, and the tower compound would be enclosed with an eight (8) foot fence and locked gate. Mr. Johnston stated the cell tower has met the FAA (Federal Aviation Administration) determination of no hazard to air navigation. Mr. Johnston presented Mr. Jamie Cruz, who is a RF (Radio Frequency) engineer with Verizon, who designs where the towers need to go to provide the required service. Mr. Cruz stated from an RF engineering prospective, the location chosen and the height of the tower is key to fill in the gap between cell sites and provide reliable coverage, as well as needed capacity with the increased use of mobile data. Chairman Wise stated he was absent from the last meeting, and asked if the spot chosen is the most efficient for the coverage needed, even if the cell tower was moved east 500 feet. Mr. Cruz stated he did not believe moving the tower 500 feet would affect coverage. Chairman Wise stated he noticed the cell tower is very close to the adjacent property line. Chairman Wise stated he knows the tower is constructed to collapse on itself, but we do not live in a perfect world and if something were to go wrong the tower could fall on the adjacent property. Mr. Johnston stated the towers are engineered with hinge points and meet all engineering requirements, and that the tower fall zone would not extend beyond the parent parcel. Chairman Wise stated he was just curious if the tower could be moved at all from the site chosen since it is so close to the adjacent property. Attorney Milton asked if it could be explained why the tower is located on the parent tract of land where it is located, and the reason this location has been selected versus another location on the property. Mr. Johnston stated there are RF constraints and property owner constraints when selecting a site location. Mr. Ricky Beasley, who works with the site selection company Excel Communications, stated they originally looked at another site on the parent parcel but the area was too wet for the tower. Mr. Beasley stated Mr. Tyre, the property owner, indicated the best place for the tower would be closer to John Redd Road. There was further discussion about the cell tower. Mr. Johnston stated an issue regarding property value was raised at the last hearing, and provided the Commissioners with an Affidavit from a property appraiser to address the property value issue. Ms. Shalene Grover stated as this is considered a quasi-judicial hearing, she objects to heresy based on the property appraiser not being in attendance to the meeting for the record. Mr. Johnston briefly went over the Affidavit with the Commissioners. Mr. Johnston stated in the report it states they have spoken with the Chief Deputy Director, Ms. Kara Hires with the Property Appraiser's Office in Calhoun County, who stated the proximity to towers is not taken into account in determining property values, and no property owners have asked for a reduction in assessment based on proximity to a cell tower. Mr. Johnson stated many Property Appraisers from across the State have been spoken with, who all offer a consistent opinion that they do not take proximity to towers into account when determining property values. There was further discussion about the Affidavit. Mr. Johnston stated this cell tower is important; Verizon has a duty to provide adequate coverage to their customers, and is important from a public safety standpoint with 911 calls and emergency purposes. Mr. Johnston stated the tower meets code requirements of the County and requested the Board approve the Conditional Use Permit for the cell tower.

Ms. Shalene Grover stated again she objects to the report submitted by Mr. Johnston because the author of the report is not at the meeting to testify and this prohibits her ability to cross-examine. Ms. Grover stated there are numerous studies that contradict the information presented. Ms. Grover stated she talked about four (4) different studies at the last hearing that show negative impacts of cell towers on properties. Ms. Grover provided the Board with copies of the studies. Mr. Johnston also objected to

the studies since the authors were not present to testify. Ms. Grover stated she has brought two (2) local people who are involved in real estate to testify, because opinions from our area are more relevant than those from a larger county or city.

Mr. Justin Terry, 17510 NE Jane St. Blountstown, FL, stated he is the managing broker of Pro Team Realty Group. Ms. Grover asked if Mr. Terry is a licensed real estate agent, and if so how long he has been licensed. Mr. Terry stated he has been a licensed real estate agent for twelve (12) years and a licensed real estate broker for three (3) years. Ms. Grover asked where Mr. Terry's office is located. Mr. Terry stated he has an office in Altha, Florida and in Marianna, Florida. Ms. Grover asked what area Mr. Terry's office focuses on, and how many properties have been sold. Mr. Terry stated they list properties in Calhoun County and surrounding areas, and they have sold hundreds of properties. Ms. Grover asked if they advise property owners on listing prices, and if so, would the listing price be affected negatively by the proximity to a cell tower. Mr. Terry stated he does advise property owners on listing prices, and a listing price would be negatively affected if a cell tower were in close proximity to a house, depending on how close, by 15% or 20%. Ms. Grover asked if Mr. Terry has experienced a negative reaction from a prospective buyer when they find out a cell tower is in close proximity to a property. Mr. Terry stated he has, and the buyer decided not to buy the property when they found out a cell tower was close to the home. Ms. Grover asked if Mr. Terry would be interested in buying a property with a cell tower in close proximity. Mr. Terry stated he would not because of the negative effect to the value of the property. Mr. Terry stated in an urban area a cell tower close to a house may not be a big deal, but in a rural area, it is a big deal and does negatively affect property value. Commissioner McDougald asked if Mr. Terry has ever had a client look at a property and get their cell phone out to make sure they can get a good signal, and prefer to buy property where they have good cell service. Mr. Terry stated he has had some people who prefer to have good cell service, but cannot speak to if this happens more than someone not wanting a cell tower close by.

Mr. Michael Wright, 221-1 Delta Court, Tallahassee, FL, stated he is a State certified residential property appraiser. Ms. Grover asked how long Mr. Wright has been a property appraiser, and where he primarily works. Mr. Wright stated he has been a property appraiser for 25 years, State certified for 24 years, and appraises property from South Walton to Jefferson County; anywhere in the big bend of the panhandle. Ms. Grover asked if Mr. Wright has appraised properties in Calhoun County. Mr. Wright stated he has appraised hundreds of properties in Calhoun County. Ms. Grover asked, in Mr. Wright's professional opinion, if close proximity of a property to a cell tower affects the property value negatively. Mr. Wright stated close proximity of a cell tower to a home absolutely would negatively affect the property value. Ms. Grover asked if Mr. Wright knows the percentage which would affect the property value by a cell tower. Mr. Wright stated there are many factors that affect property value such as how close the tower is to a home, if the tower can be seen from the home, or if it affects the presentation and curb appeal of the home. Mr. Wright stated the National Association of Realtors published an article that stated 94% of people surveyed by the National Institute of Science Law and Public Policy stated they would be less interested and would pay less for a property located near a tower or antenna. Mr. Wright stated HUD (Department of Housing and Urban Development) lists cell towers under hazards and nuisances. Mr. Wright asked the Board if there were two identical homes, one with a cell tower behind it and one without a cell tower behind it, which one would they pay less for and how much less. Ms. Grover stated she would leave the Board with two (2) court cases where both counties denied an application for a cell tower and both were upheld in court because they had a real estate appraiser and a real estate agent who testified to the negative impact on the value of property to the adjacent landowner. Chairman Wise asked Ms. Grover if she is a property owner who would be close to the proposed cell tower. Ms. Grover stated she owns property across County Road 69A from where the tower would be built and would be able to see the tower visibly from her home.

Mr. Gary Ward, 20522 NE Macedonia Church Road, Blountstown, FL, stated he is for the cell tower construction. Mr. Ward stated he has farmed the property the tower would be placed on for forty (40) years, so good cell service is important to him. Mr. Ward stated Mr. Tyre gave the County a lot of land for the right of way for County Road 69A, and is a Calhoun County taxpayer.

Ms. Jessica Metcalf, 18858 NE Live Oak Lane, Blountstown, FL, stated her great uncle owns the land the cell tower would be placed on and the land has been in their family since 1946. Ms. Metcalf stated her great uncle is not a money hungry person who lives in Las Vegas as he was made out to be at the last hearing. Ms. Metcalf stated her great uncle is still a taxpayer for Calhoun County, and has given the County a lot of land for right of way when paving County Road 69A and John Redd Road. Ms. Lynette Tyre, also of 18858 NE Live Oak Lane, Blountstown, FL, stated she lived on the property in question for many years.

Mr. Phillip Wayne Sutton, 21890 County Road 69A, Blountstown, FL, stated he worked in environmental health for many years with the Health Department and asked if the State was involved in determining if the property is considered wetlands. Mr. Snowden responded the area the cell tower would be placed on is not located in a wetland area according to the National Wetland Inventory Map.

Mr. Johnston addressed the testimony of the real estate broker and the property appraiser, and stated neither has done any studies personally on the effect of towers on property values and only quoted other studies done from the internet. Mr. Johnston stated the report they provided from a property appraiser is an actual tower impact study conducted by the property appraiser. Mr. Johnston stated he would respectfully ask the Board to approve the conditional use permit for the construction of the cell tower.

- ❖ Commissioner McDougald made a motion to approve recommendation to the Board of approval of the conditional use permit for the construction of the cell tower. Commissioner Bailey seconded the motion. There was further discussion about the cell tower. The motion passed unanimously 5-0.

There being no further business, the meeting adjourned at 6:01 p.m., CT.


DANNY RAY WISE, CHAIRMAN

ATTEST:


CARLA A. HAND, CLERK