



**LUMPKIN COUNTY**  
**Board of Commissioners**  
***Special Called Work Session Agenda***  
**Commissioners Boardroom**

**December 30, 2021**  
**1:00 P.M.**

The purpose of the work session is intended for the Board of Commissioners to give direction to staff in order to revise the current land use regulations with regard to the current 180-day moratorium, not to overhaul it.

- **CALL TO ORDER**
- **INTRODUCTION (Chairman Dockery)**
- **LAND USE DISCUSSION – Commercial Permitting in AP, RP and RG.**

1. Identification of “items of concern”
  - a. Ambiguous Language
  - b. Contradictory Language
  - c. Definitions
  - d. Limitations/restrictions on uses in the three-character areas
  - e. Others

Staff Comments:

2. How to address/mitigate the “items of concern”
  - a. Hours of Operations
  - b. Setbacks
  - c. Buffers
  - d. Traffic Impact
  - e. Lighting
  - f. Noise
  - g. Odor
  - h. Smoke, Dust
  - i. Exemptions i.e., hog farms, chicken houses, logging, temporary construction, excavation, grading, and demolition activities which are necessary for the development of facilities
  - j. Others

Staff Comments:

3. Special Land Use Approval (SLUA)
  - a. Redefine what uses require a SLUA
  - b. Revise the SLUA process i.e., Planning Commission provides recommendation
  - c. Revise governing standards
4. Development & Implementation Timeline (hand out)

**LUMPKIN COUNTY**  
**Board of Commissioners**  
*Special Called Work Session Minutes*  
**Executive Conference Room**



**December 30, 2021**  
**1:00 P.M.**

**Call to Order**

The meeting was called to order at 1:02 PM by Chairman Chris Dockery

| Attendee Name  | Title                   | Status  | Arrived |
|----------------|-------------------------|---------|---------|
| Chris Dockery  | Chairman                | Present |         |
| Tucker Greene  | District 1 Commissioner | Present |         |
| Bobby Mayfield | District 2 Commissioner | Present |         |
| Rhett Stringer | District 3 Commissioner | Present |         |
| Jeffrey Moran  | District 4 Commissioner | Present |         |

**Introduction**

The purpose of the work session is intended for the Board of Commissioners to give direction to staff in order to revise the current land use regulations with regard to the current 180-day moratorium, not to overhaul it.

Chairman Dockery read from a prepared statement. I feel that it is very important before we get started on this discussion, to talk a little bit about the history of Lumpkin County's Land Use Regulations. But first, to make clear the intent of this meeting: The intent of this meeting is not to do a complete overhaul of the land use regulations, but to revise. If you recall, on September 21st of this year, the Board enacted a 180-day moratorium on all commercial permitting in three-character areas - Agricultural Preservation, Rural Places and Residential Growth. The purpose stated that the current land use code has conflicts and ambiguities which result in the code not providing protections to the public that were intended in certain land use character areas, and to review the land use code and make revisions as appropriate.

- In 1995, Lumpkin County placed a referendum on the ballot to impose zoning on the unincorporated areas of the county. This referendum failed.
- In 2002, the citizens of Lumpkin County, by referendum, did elect that Lumpkin County should have Land Use Planning.
- In 2003, land use was adopted by the County in a form that was not classified as a Zoning Ordinance.
- In 2007, a court ruling reclassified the Land Use Code as a form of zoning.
- In 2008, Lumpkin County readopted the Land Use Code under the requirements of the Zoning Procedures Law. The ordinance that was adopted was performance-based zoning, not Euclidean zoning.
- In 2019, the BOC approved a major revision to the land use regulations to help the County face current land use challenges and impacts of growth while maintaining our character and sense of place. These revisions included:
  - a. Incorporated new Future Land Use Map reflecting the changes approved in the 2017 Comprehensive Plan Character Area Map.
  - b. Reorganized and better defined:
    - Character Areas

- Land Use Categories
- Development Standards by Character Area
- c. Eliminated “Encouraged” and “Discouraged” tables - it is reflected in language regarding setbacks and other requirements.
- d. Defined Short Term Vacation Rentals as its own residential land use category.
- e. Moved Short-Term Rentals requirements to Lumpkin County Code of Ordinances, Chapter 12, Business and Business Regulations. (Short-Term Rental Host Licensing)
- f. Defined Industrial Land Use Category - e.g., Light Industrial and Heavy Industrial

Now, Lumpkin County is in the process of revising the existing Land Use Code to improve protections to the public in the Agricultural Growth, Rural Places and Residential Growth Character Areas. Chairman Dockery reiterated that there is not going to be decision made today; it is just to give staff direction.

### **Land Use Code Discussion**

Commissioner Moran said he worked on the spreadsheet and got frustrated in doing it. He has red lined Chapter 27, but the first thing he thinks they need to do is to go over the purpose of the chapter. He read aloud the definition and purpose of chapter 27. Commissioner Moran feels the setbacks and buffers are the issues. The biggest setback and buffer he could find was 500 ft., so just changing them will not solve the issues. Nor does he think that even doubling it would solve the problem. Commissioner Moran wants to start with removing the concept that anything could be allowed anywhere. They need to clarify when a SLUA is going to be used, residents and developers need an appeal process, and they need to scrutinize the approval of variances. The buffers need to be more specific and what would be expected as a buffer. A lot of time and thought was already put into where it is at; he thinks the character areas are fine where they are, just the lawful uses need to be changed.

Commissioner Mayfield commented that the concept of “every lawful land use can be done in any character area” was first on his list as well. Chairman Dockery said one thing that is not on the agenda that needs to be is when does the development process begin. It needs to be clearly defined as to when it starts. He said when he thinks of rural and agriculture preservation that means chicken houses and barns. What if someone wants to put a sow barn or 10 hen houses next to a house and it is in agricultural preservation? Would you want that next to you? What are vegetative buffers? Is that tall grass?

Chairman Dockery said the setbacks and roads are different throughout the county and should be taken under consideration. You would not build something on Roy Grindle Road that you would on Cavender Creek Road. Roy Grindle is a very narrow road that doesn’t have a center line because it isn’t wide enough. Commissioner Mayfield gave an example of an area that started as a winery, then changed to a wedding venue, and then changed to something else. He asked if there anything that serves as checks and balances on what they are changing to. What they initially started as and were approved for is not what they have ended up with. Chairman Dockery noted there may be a way to do that with business licenses. He reminded the Commissioners they need to be very careful they are not moving into more of a Euclidean zoning. If that is the way they are going, then that will need to go to the ballot box and not be decided by the five people up here, he observed.

Larry Reiter asked the Commissioners to write a policy the way they want it to be implemented. His mission is to revise things to clarify what is doable. Two commissioners mentioned the concept of any lawful use can be used anywhere; he explained it was in there to keep it from being a zoning ordinance. However, a judge later decided it was a zoning ordinance because it does prevent you from doing anything if you can’t meet the setbacks. It’s not their mission to change the land use, it is to clarify the definitions so that the Planning Department can put the use in the correct character areas and minimize the gray areas. Chairman Dockery commented if someone was putting a hog farm next to them then would they be up here wanting them to stop it. Just by limiting non-agriculture growth, will that be enough? Is it a use or excepted use? Are we trying to keep out or trying to preserve the current land owners? Look at items of concern and how to mitigate those. Maybe those areas of concern are better to be controlled or limited.

Commissioner Moran said he has been told not to use the word zoning and when he mentioned a noise ordinance, he was also discouraged from using that term. Something has to give because if they want to enforce the top complaints, those are addressed by ordinances. Commissioner Greene said he has struggled with processing why they have an agriculture area if they are not going to implement it and stick to the verbiage

that's in it. Commissioner Stringer read the definition of agricultural preservation. He said if you go by the way it is written, then there should be no homes built in that use. Chairman Dockery stated it comes down to property rights. How do you balance it? Because they were there first? The challenge is how do we control and direct that change that is fair to current residents and everyone that wants to move here. We have to balance and direct how we want it to be.

The discussion moved to the development process and when it begins. They questioned if it could be addressed through policy and procedure. Commissioner Moran asked if there is a statute of limitations and Mr. Reiter responded nothing formal. Chairman Dockery suggested allowing someone to inquire about a property, but they cannot have a vested interest in the property without them actually owning it. He said this would need to go to legal, but he doesn't think they need to be vested in a property without owning it. Is it the Planning Department's responsibility to do their homework for them? Chairman Dockery pointed out another area that need to be clarified in the code was SLUAs. He suggested authorizing the Planning Commission to handle more of these. The SLUAs are driven by how they mitigate the items of concern in item two on the agenda.

Planning Director Bruce Georgia explained in order to meet planning and zoning timing laws, publicize the meetings, and gather public comments, staff has created this timeline. The final draft will be provided to the BOC at the Work Session in March and be adopted at the March 21st meeting. There will be other ways the staff will be asking for public comment, like at rabies clinics and different events that will be held in the county. The Chairman pointed out the Commissioners had to get their changes they want made to staff from January 3-9. Mr. Reiter asked the BOC to be very precise in what they want and what they are meaning. Chairman Dockery said he prefers they stay away from examples and list standards instead.

### **Public Comments**

Steve Sylvester, 215 Stancil Dyer Road, read aloud a prepared statement which criticized the fact that in the current Land Use Code, any use is allowed within any character area. He urged the BOC to do away with that wording, and to cease granting variances to uses that differ from the character area. Developments that do not conform to the intended Character Area's use should not be allowed. Mr. Sylvester said that his answer to the hog farm question the Chairman asked earlier is the SLUA process would be used for that area. Something like that would trigger having a SLUA. He continued reading aloud the statement expressing his thoughts. Chairman Dockery asked if you have agricultural preservation and you have zoning, do you let the houses come in or do you prohibit it? What takes precedence? If you continue to allow growth in the agricultural area then you are decreasing the agricultural preservation intent. There is a lot to think about.

Clinton Crane, 6737 Dawsonville Highway, has lived here as long as he can remember. Mr. Crane said he asked for the last couple of years for the lot size to be larger than one acre per house, not including the greenspace. He would like for trees to be left for a buffer zone for the health of the people of Lumpkin County. The growth in Dawson County has taken so many trees down and now they are part of the dirty air from Atlanta. We cannot stop the growth, but we can curb it. If we can make the lots bigger then that helps curb the growth. The creeks are more polluted because of the land being cleared. He said the agricultural property owner has just as much right as the residential owner.

William Burgess, 435 Trails End, stated many have moved to Dahlonega to escape the traffic from Forsyth. The way of controlling the traffic into the county is by the minimum acreage for lots. The people that want to move here can, but you have to meet the lot size. You can't quantify smell enough to make sure the rules are going to cover it, he claimed. If you change your buffer to 2000 feet in all directions then it would make it virtually impossible for a Dollar General or firing range from coming in. You could make it really livable and not let the things that you don't want in by enforcing the minimum lot size.

Judy Wheeler, 561 Ranch Mountain Drive, said the purchaser was given a lot of thought, and it should have been buyer beware. Why is a non-property owner allowed to get a land use change? They could come in and change the use and move on. Perhaps it should be zoning, she stated.

Cindy McGrew, a resident of White County, attended because they are being told that the Planning Department allegedly told the owner of the proposed RV park that they must access their property from hers. She does not want to grant them access through her property and she feels that the surrounding property owners should have been notified so they have a say about what is going in around them. Mr. Georgia said he has never told anyone that they have to access from her property.

Chester Doles of Winters Mountain Road has been a resident for 23 years. He is concerned with the short-term vacation rentals in the county. He said they became a big thing a few years ago and he has one in his front yard.

There was a moratorium that had been placed on them and an ordinance was written. He feels the ordinance was written more for the business owners and not for the land owners. Mr. Doles said traffic input and dust should have been taken under consideration. He has dog fights and residents in the middle of pit bull fights now around him because this is a commercial business in a residential area. He doesn't know what the answer is but this has changed the quality of life. Chairman Dockery told him to get with the Planning Director for the phone number that he can call when this happens. There are enforcement measures that can happen because of their business license.

Tina Marra, 175 Cardinal Hill Way, said they moved her entire family here a year ago. They picked Lumpkin County because of the quality of life, the people, and because places like this don't exist anymore. She asked them for a shift in their thinking and to focus on what can be done here. She said for them to march head on into the process, don't do a watered-down version of this, and hire a consultant. Ms. Marra suggested looking at similar townships and sizes to see how did they arrived at a suitable solution and how they approached it. You can create objective guidelines that are easy to enforce. You will not make everyone happy all of the time, but it can be clear and enforceable. She continued to say if someone wanted to buy land then they need to do the research. It is not their job to make it easy or nice. Change can make the county better but it doesn't need to be looked at like a monster. You can tell people "no" with clear guidelines. You can realize that large buffers will not solve problems. You can allow the comments and input to guide and be part of your decision process. You can embrace and protect it for the generations that follow. Chairman Dockery responded a consultant had been hired and addressed some of her other concerns.

Tom Vincent, resident of 95 Porter Springs Road, came up to speak. Mr. Vincent moved here in 1993 and his wife was a Nugget. When his kids were small, they wanted a better life for them, so they moved here. He was given property by his father-in-law and they built a house. Someone bought the adjacent property and the property went through the Planning Commission for a variance. He doesn't think the Commission understood the process because it was approved and it was strictly against the land use code. He has been to more meetings now and thinks there are more feelings or involvement in their decisions. Mr. Vincent stated the Planning Commission members should not have any personal involvement in anything coming up for a SLUA or a Planning Commission vote. If the process is not done right and with the right people, it will not turn out right. Chairman Dockery said the issue with conflicts was a concern of the BOC. Now, they require the Planning Commission to attend training and some of those things have been corrected. The Chairman thanked him for bringing those things up because there should not be a vested interest in making those decisions. He encouraged him to bring his concerns because that type of feedback helps them to improve.

Ray Sparks of 908 Little Mountain Road stated his neighbor bought ~4000 acres. He applied for a SLUA and it was granted. He encouraged more consideration of the surrounding property owners be taken when deciding SLUAs.

Katherine James, 37 Blueberry Hill, thanked the community for coming out. She read aloud a prepared statement which criticized the concept of allowing any business in any character area, and said that the problem cannot be fixed by using setbacks and buffers alone. Ms. James asked the Chairman what the priorities were for managing development in Lumpkin County. Chairman Dockery stated the goal is to protect property rights. The question is, do they prioritize current owners or the ones that want to move here? He thinks we are channeling the growth in areas that we want growth in. It is a delicate balance and it is not to grow the digest. How we manage that growth is why we are here. She continued reading the statement. Chairman Dockery said they need to look collectively how to move forward long term strategically.

Matt Hodge, 31 Ross Lane, said there are people that do not have a lot of money and can't afford to live here. So, when you think about zoning, look for an area where the people can live in that can't afford to live in large homes. Chairman Dockery thanked him for discussing this because they need to consider the people that can't afford large houses and large amounts of acres. He said they have to think about all of the demographics in the county.

## **Adjournment**

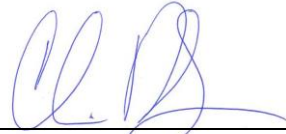
The meeting was adjourned at 4:05 PM.

January 18, 2022

Date



Melissa Witcher  
County Clerk, Lumpkin County



Chris Dockery, Chairman  
Lumpkin County Board of Commissioners