



LUMPKIN COUNTY
Board of Commissioners
Public Hearing Agenda
Commissioners Boardroom

February 22, 2022
6:00 P.M.

- **Call to Order**

Chairman Dockery

- **Lumpkin County Land Use Revisions**

Lumpkin County Land Use Revisions (*Planning Director Bruce Georgia*)

- **Public Comment**
- **Adjournment**

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Board of Commissioners
Public Hearing Minutes
Commissioners Boardroom



February 22, 2022
6:00 P.M.

Call to Order

The meeting was called to order at 6:00 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	

Lumpkin County Land Use Revisions

Lumpkin County Land Use Revisions (Planning Director Bruce Georgia)

Lumpkin County Land Use Revisions

Planning Director Bruce Georgia gave a presentation which summarized the proposed revisions along with the timeline. He said we just went through the Comprehensive Plan update process, and he explained how that is tied in with the Land Use Code revisions. Mr. Georgia said we will still have performance zoning with the new revisions, but we will come at it with a different approach. The regulations will be more clearly defined and easier to understand.

Mr. Georgia gave an overview of the proposed road classification system and the activities compatibility chart. The overall framework to the revisions is a seven step process. We have not changed the Character Area Map, we have just clarified and refined some of the definitions. Three categories will be classified as Restricted Development, and will have extra protections: Agricultural Preservation, Rural Places, and Residential Growth. Those are the three areas which have been under the commercial development moratorium. He then went over the road classification system and road categories in more detail. All of the roads in Lumpkin County have been classified as either Arterial roads, Collector roads, or Local roads. Mr. Georgia then explained that almost half of all Lumpkin County businesses are cottage industry, or businesses that operate in the home and do not generate customer traffic, such as a knife maker. The Deputy Planning Director, Mary Catherine Beutel, then read aloud the list of arterial roads and collector roads.

Mr. Georgia then moved on to how businesses would be affected in the Restricted Development category, and he explained how certain businesses would be Conditional Uses. These specific businesses under Conditional Uses would have certain restrictions imposed upon them, like hours of operation. The administrative procedures will also be revised, and commercial uses will be more constrained than they have been, especially if they are located in Restricted Development. He ended the presentation and invited the Commissioners to ask questions.

Commissioner Mayfield asked for some further clarification on Conditional Uses. The Chairman commented that there are a few roads in Lumpkin County which start out as County-owned and then transition to private, like Chestatee River Ridge and Lewis Grindle. What happens if someone wants to make a development on the private portion of these roads? How will that be affected by these Land Use Code revisions? Mr. Georgia said that was brought up at a previous meeting. Some things may be a civil issue, he said, but these revisions should

prevent undesirable activities on local roads. Chairman Dockery said it would be a good idea to require certain types of businesses to locate on a paved, rather than gravel, road. Commissioner Greene was curious about if roads could be reclassified in the future, or how new roads would be classified.

Public Comment

Steven Leibel commented that these revisions may give the BOC an opportunity to implement a noise ordinance that varies by Character Area.

William Gilstrap introduced himself as a multigenerational farmer and rancher, and he was accompanied by his father and several other farmers. He claimed there are two cultures present in the room. Mr. Gilstrap urged the BOC to protect local landowners' property rights. He commended Bruce Georgia, Mary Catherine, and the rest of the County staff who had assisted with these revisions, but he said he disagrees with most of it. Being in the agriculture industry for many years, they have sometimes had to do certain things to keep their farms running. His family also owns rental properties and two assisted living facilities, so property rights are very important to them. They love the land and are good stewards of it. A man's rights can be removed with the swoop of a pen, he said, but often they are slowly chiseled away. He said he understands what is pushing these changes, and asked for those of you who are supporting these restrictions, what have you done to preserve agriculture? His father just purchased a couple hundred acres to put into conservation, he noted.

Carol Moran said the colors of the Character Area Map were difficult to discern, especially on a computer. She asked if these Land Use revisions would include a grandfather clause for developments already in progress. Chairman Dockery said anything that was begun before the start date of the moratorium would be allowed to proceed. Anything after the moratorium will fall under the new rules.

Mandy Kerns was concerned that the Land Use Code revisions might affect families who want to grow their own food. She said some families may want to raise backyard chickens or pigs along with having beehives, and she does not want the regulations to prohibit that.

Adelia Formica commended Mr. Georgia for his efforts on this monumental task. She made some comments regarding compatible and incompatible uses. She mentioned a phrase in the plan where it talks about buffering between incompatible uses and maintaining compatibility, but she says incompatible uses should not be allowed to be together. Ms. Formica said she did like the part about how homes would still be protected even if they are in General Development rather than Restricted Development. She urged the BOC to protect peoples' investments rather than trying to mitigate incompatible uses.

Steve Sylvester said we keep addressing this word, "compatible." He brought up some language from the proposed revisions regarding the Restricted Development category, where it states "the Performance Zoning Ordinance requires non-compatible activities that locate in areas designated Restricted Development to meet more restrictive road and compatibility standards." Mr. Sylvester said this appears to mean that incompatible uses will still be allowed in restricted development areas. He said there are not enough details yet for the public to fully understand, so there should be adequate time after the final draft is released for the public to view it. Mr. Sylvester also commented on page 24 of the agenda packet where it uses a flea market as an example of a conditional use. Forcing flea markets to only operate in the Overlay District is similar to Euclidean Zoning; you will eliminate certain businesses from operating in certain areas depending on how the compatibility charts are filled out. For his last comment, Mr. Sylvester said it may be time for another vote on traditional zoning, as it has been twenty years since the last referendum.

Chairman Dockery brought up a hypothetical scenario. Suppose you have a farmer who has 50 acres of land and already has several chicken houses. He has plans to build two more, but he doesn't have the money yet. Then someone moves in next door and builds a nice home right near where he plans to build his chicken houses. In this case, who is supposed to be protected, the property rights of the chicken farmer or the new homeowner? Does it depend on who gets there first, or who had the plans first? Chairman Dockery said this was a rhetorical question, but we have to look at the sum of the whole.

Tom Gordineer mentioned how in Barrow County, many of the chicken farms located near new subdivisions have signs that read, "Sorry about the smell, but the chickens have been here since the 1800s." We all want to protect the visual appearance of Lumpkin County, but we can't stop people from moving in. Mr. Gordineer said he isn't against property rights, but certain things need to be regulated. The lights at the McDonalds and the Mountain Inn when you are coming into town are blinding; we need to put in lighting control. Mr. Gordineer

made additional comments about protecting our water and preventing mountain vistas from being blocked by billboards, and he had concerns that someone could try to open a strip club in Lumpkin County. He is also concerned about the expansion of roads, which will bring in more people, and he believes businesses that clear-cut trees should be required to plant replacement trees. Chairman Dockery said we do have ordinances that address strip clubs and billboards.

Bill Burgess said the citizens who live here in agricultural and rural areas do not want commercial development next door. We should have a system that automatically protects homeowners from that, or at least give the Planning Department stronger powers to say "no." Mr. Burgess said there should be a much more stringent process for development. Perhaps the appeal process should be required to involve the neighbors. Mr. Burgess said he wouldn't want to do anything to make life harder for farmers, but he also doesn't want landowners to have an RV Park built next to them.

Claude Gilstrap said he was born and raised here in Lumpkin County. He recalled approximately twenty years ago when similar meetings were taking place about the future of development in Lumpkin County, and those didn't get anywhere. He addressed the Commissioners and told them the farmers are not their enemy. Farmers are important for conserving the land. Mr. Gilstrap said he just purchased some of the old Ralph Jones property and he has a ten-year conservation plan laid out for it, including agriculture. He also has concerns that the rules for dividing your land and gifting land to children are too restrictive. Mr. Gilstrap said there are too many unknowns about this plan, and he doesn't know if Lumpkin County is ready for it. He urged the Commissioners not to take away our freedoms.

Carol Moran came up to speak again, and addressed Chairman Dockery's rhetorical question about the chicken farmer. She said a chicken house and a home are not incompatible uses, and the homeowner should know he is building in a rural area. The civil thing to do is to care about what your neighbors think. Ms. Moran said an example of incompatibility would be if she put up a carnival in her yard. She says landowners and homeowners should have a valid voice, but she doesn't think lessees should have the same voice. Ms. Moran also questioned who is defining "compatible" and said Lumpkin citizens should have a say in that.

William Swanzy said we should preserve the rights of farmers and landowners, and this needs to be opened back up for public comment once the final draft is ready.

Chairman Dockery said it is valid we should have the plan in its entirety to give the community time to review the plan. We try to accommodate everyone's schedule for these hearings, he noted, but it is hard to find a time that works for everyone. It also isn't possible to make everyone happy, but we will try to protect everyone's rights. The Chairman said we should have an additional public input session after we have a document. He also asked the Commissioners if they would approve something for the County website that would allow for public input about these Land Use revisions, as some people may be too shy to speak in front of a crowd. The public is also always welcome to email any Commissioner. The Commissioners were in agreement to allow the County Manager to implement something like that for the County website.

Commissioner Mayfield thanked William and Claude Gilstrap for coming tonight. He said it certainly isn't his intent to keep people from gifting land to their children or grandchildren, but you also don't want someone building a fireworks facility next to a retirement home. We will need more public input to get it finished.

Commissioner Greene said as Commissioners, we need that feedback from the citizens. We got elected to represent you and will listen no matter which side you are on. This isn't an easy decision, he said, so please speak up if you are passionate about this.

Commissioner Moran said he had heard some allusions that there are some plans that haven't been released to the public. He said everything that the BOC can see is what the public can see. He encouraged the public to give feedback for the plans.

Adjournment

The meeting was adjourned at 7:49 PM.

March 17, 2022

Date



Melissa Witcher
County Clerk, Lumpkin County



Chris Dockery, Chairman
Lumpkin County Board of Commissioners