**PLANNING COMMISSION**

**MINUTES**

**APRIL 12, 2018**

**5:01 P.M.**

The regular meeting of the Okaloosa County Planning Commission was held Thursday, February 8, 2018, 5:03 p.m., 208 North Partin Dr, Niceville Board Room, Niceville, FL. Board members in attendance were Larry Patrick, Phyllis Enzor, Jeremy Stewart, and John Collins.

Eglin Representative Jeff Fanto was not in attendance.

Growth Management Staff in attendance were Elliot Kampert, Director, and Leslie Adams, Administrative Assistant II, recording secretary.

County Attorney in attendance was Kerry Parsons.

Speaker recognition forms were submitted by persons wishing to speak as follows:

Agenda Item 1: Cassie Johnson, 781 Ruckel Dr., Niceville, FL 32578---Opponent.

Agenda Item 1: Dian L. Norris, 721 Forest Shores Dr., Mary Esther, FL---Opponent.

Agenda Item 1: Judie Arnts, 1128 Sandalwood Cir, Niceville, FL 32578---Opponent.

Agenda Item 1: Ashley Bell, 7552 Navarre Pkwy, Navarre, FL 32566---Opponent.

Agenda Item 1: Mary Vaughn, 302 Adams Dr., Crestview, FL 32536---Opponent.

Agenda Item 1: David Nickels, 2824 Geronimo Dr., Crestview, FL 32536---Opponent.

1. **CALL TO ORDER**

Chairman Patrick called the meeting to order at 5:03 PM. Chairman Patrick introduced Phyllis Enzor as the new Planning Board Commissioner.

1. **ROLL CALL**

Leslie Adams conducted roll call.

1. **APPROVAL OF MINUTES FOR FEBRUARY 8, 2018 (NO MARCH 2018 MEETING)**

The Chairman called for a motion to approve the minutes.

***Motion to approve the minutes of February 8, 2018 made by Jeremy Stewart, second by John Collins --- 4 ayes. Motion passes.***

1. **OPEN TO PUBLIC (FOR ANY ITEMS NOT QAUSI JUDICIAL ON THIS AGENDA)**

None

1. **ANNOUNCEMENTS**

Elliot Kampert advised that there will be a new Growth Management Planning Manager starting May 1st.

1. **ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA**

None

1. **ACCEPTANCE OF THE AGENDA**

***Motion by to accept the agenda as written, made by Jeremy Stewart, second by John Collins--- 4ayes. Motion Passes.***

1. **OATH TAKING**

Leslie Adams administered the oath for all speakers.

1. **DISCLOSURES**

Leslie Adams read the disclosure statements. All Commissioners advised they had not spoken with anyone concerning the agenda items, and there was no properties to be addressed on the agenda.

1. **OLD BUSINESS**

**AGENDA ITEM 1:** Consideration of revisions undertaken at the direction of the Board of County Commissioners to Sections 2.20.10 and 1A.04.05 of the Okaloosa County Land Development Code pertaining to the keeping of chickens and certain varieties of domesticated duck in the R-1, R-2, and R-3 zoning districts, as well as changes to 2.21.05.7 of the Land Development Code pertaining to the location of sheds in residential zones. (This item was continued from the November 9, 2017 meeting)

Mr. Kampert addressed the Board and read into record the updates to the revisions since the February 8, 2018 meeting.

Discussion ensued.

Chairman Patrick called for Cassie Johnson.

Ms. Johnson advised she is in opposition to chickens in the front yard.

Chairman Patrick inquired if she was ok with the current code.

Discussion ensued.

Chairman Patrick called for Mr. Judy Arntz. Chairman Patrick entered Ms. Johnson’s address for record.

Ms. Arntz advised she was in opposition to this item. Ms. Arntz advised she was worried about resale value of her home, and livestock should not be allowed in the front yard.

Chairman Patrick called for Ms. Diane Norris.

Ms. Norris waived her right to speak and asked for her opposition to be noted.

Chairman Patrick noted Ms. Norris’ address and opposition for record.

Chairman Patrick called for Ashely Bell.

Ms. Bell advised her office represents the Norris family and stated her address for record. Ms. Bell advised that they object to front yard and back yard chickens siting sanitation and health issues concerning keeping chickens. Ms. Bell advised that while they appreciate the addition of the CDC guidelines in the ordinance, applying mesh on the coop will not prevent the spread of disease, and in keeping chickens you are placing animals that are highly preyed upon in a residential area, along with the smell and noises which creates a nuisance. Ms. Bell advised they object to amending the Land Development Code for one family stating they do not have enough room in their back yard for the chickens, and that the County has yet to verify that this family actually does have enough room in their back yard for the chickens. Ms. Bell inquired who is going to check and keep enforcement on the regulations of this ordinance and administer penalties when someone is not following the rules. Ms. Bell stated the threat to the public health safety, property values, and the unnecessary killing of the chickens outweighs the new trend of having chickens in your back yard and front yard.

Chairman Patrick advised he appreciated Ms. Bell’s comments but as far as he was aware the Planning Commission did not have any authority to be involved with Code Enforcement, advising that it was a matter to be dealt with in another area.

Chairman Patrick called for Mary Vaughn.

Ms. Vaughn advised she just wanted her opposition noted for record.

Chairman Patrick noted Ms. Vaughn’s opposition and address for record.

Chairman Patrick called for David Nichols.

Mr. Nichols advised he was in opposition and wanted to protect his property value. Mr. Nichols inquired about who makes the decision on the term architectural consistent.

Mr. Kampert advised it would go to Code Enforcement supervisor first and then if there is a question the Planning Official, and basically architecturally consistent means the use of the same materials, colors, and styles of construction.

Mr. Nichols advised this is all subjective and they need rules. Mr. Nichols continued concerning the number of chickens and the reason for the change to the ordinance.

Discussion ensued.

Chairman Patrick called for discussion or a motion.

Commissioner Collins shared thoughts concerning overall concern of having chickens in the front yard due to attraction of animals and children, and the smell from the feces, but not the back yard as it is an enclosed area. Commissioner Collins commended Mr. Kampert for the great job he did on trying to make the changes work.

Commissioner Stuart advised he was more of an advocate for this but every time there are changes it opens up more concerns and he didn’t think that it was possible to get things tight enough to protect everyone.

Mr. Kampert advised you can’t write a perfect code.

Discussion ensued.

Commissioner Stuart advised he felt people should be able to do with their property as they want and he was not opposed to side or backyard chickens.

Chairman Patrick advised he was opposed to the front yard provision and some of the recommend provisions might make the current code a better code.

Commissioner Enzor advised she also agrees a person has the right to do with their property as they wish as long as they have enough space, but when in a small residential area she can’t agree with having something in the front yard. Commissioner Enzor advised she would agree to allow chickens in the backyard.

Chairman Patrick called for a motion to recommend or not recommend the ordinance a proposed.

***Motion to not recommend the change as proposed made by Johns Collins, and second by Jeremy Stewart. 4 ayes---Motion passes.***

Discussion ensued concerning bringing forward another motion concerning other revisions to the current code.

Mr. Kampert advised that this was a Board directive initiative and he wanted them to know he will have to remand the minutes and recommendation back to the Board of County Commission.

Discussion ensued.

Chairman Patrick inquired if there was a requirement in the current ordinance for the back yard to be fenced if you have chickens and if there was a height requirement.

Mr. Kampert advised yes there is a requirement for the yard to be fenced and no to the height requirement.

Mr. Kampert advised the second part of this item concerns the ordinance concerning sheds in the front yard. Mr. Kampert read into record the changes to the current code concerning sheds.

Discussion ensued.

Attorney Parsons advised Chairman Patrick to inquire if there was anyone in the audience to speak concerning the shed ordinance.

Chairman Patrick called for a motion.

Commissioner Collins advised he felt this could get out of hand and he didn’t see anything wrong with the current code.

Discussion ensued.

Chairman Patrick called for a motion to recommend or not recommend changes.

Motion to not recommend any changes to the current code made by John Collins.

Chairman Patrick inquired how this actually needed to be addressed.

Mr. Kampert advised to say the Planning Commission does not recommend the proposed amendments to section 2.21.05.7 of the Land Development Code, sheds in the front yard.

Chairman Patrick inquired if Commissioner Collins accepted the explanation by Mr. Kampert for the motion.

Commissioner Collins advised he did.

***Motion advising the Planning Commission does not recommend the proposed amendments to section 2.21.05.07, sheds in the front yard made by John Collins, and second by Jeremy Stewart.***

Commissioner Enzor inquired if the current someone can put a shed in the front yard.

Mr. Kampert advised the currently less than 200 square feet, you do not have to get a permit, however if you put a shed in the front yard and it comes to our attention or someone files a complaint, Code Enforcement will require you to move the shed to the side or backyard.

Commissioner Enzor inquired if there was the ability to get an exception for it to be in the front yard.

Mr. Kampert advised that you could not get an exception but in some rare circumstance you might be able to apply for a variance, but you would have to show there was a hardship not brought on by yourself that is unique to that property, and that it’s not an economical convenience, but actual hardship; and if you are not allowed that use that you may be denied that use that was commonly allowed in that zoning district throughout the county.

Chairman Patrick advised he was opposed to the proposed change but inquired if there might be some zoning areas where this proposed changed might not be so offensive and if there were maybe this should be brought back to the Board.

Discussion ensued.

Chairman Patrick called for a vote on the motion.

***Motion advising the Planning Commission does not recommend the proposed amendments to section 2.21.05.07, sheds in the front yard made by John Collins, and second by Jeremy Stewart. 4 ayes- Motion Passes.***

1. **NEW BUSINESS**
2. **Applications for development review**

None

b. **Public Hearings**

None

1. **OTHER BUSINESS**

The **May 10, 2018** Planning Commission Meeting will be held at 208 North Partin Dr., City of Niceville Board Room, Niceville, FL.

**ADJOURNMENT**

Chairman Patrick adjourned the meeting at 5:54 pm.

Prepared by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Leslie Adams, Recording Secretary

Date 4/17/18