

Jefferson County Planning Commission
Meeting Minutes
December 9th, 2021

Commissioner Michael Schwier called to order at 6:00 pm.

Commissioner John Floyd Walker led the opening prayer and Pledge of Allegiance to the Flag.

Physically in attendance: Commissioner Michael Schwier, Commissioner John Floyd Walker, Commissioner Bud Wheeler, Commissioner Kimberly Odom, Commissioner Jacqueline Seabrooks, Commissioner Thomas 'Bobo' Chancy, Attorney Buck Bird, Attorney Scott Shirley, and Planning Official Shannon Metty.

Commissioner Byron Arceneaux recused himself from the Board and attended the meeting as a citizen in the audience.

Attorney Shirley explained that this meeting would operate in a quasi-jurisdictional manner. He asked for anyone in the audience who was giving testimony to stand and be sworn in as a witness. Resident, Michelle Arceneaux, questioned the purpose of this method. Attorney Shirley stated this is standard procedure. Audience members Byron Arceneaux, Randy Wheeler, Allie Palmer and Mac Flores were the only people to be sworn in.

Agenda Item #2-Approval of Minutes:

- Commissioner Bud Wheeler motioned to approve. Commissioner Kim Odom second motion. Motion passed with unanimous approval.

Agenda Item #3-Special Exception-Major Development Application-Large Scale Solar:

- Mrs. Metty opened the discussion by reviewing the submitted application and her recommendation for approval with noted conditions.
- Mac Flores, representative for EcoPlexus, opened a PowerPoint slide show and introduced EcoPlexus and explained their purpose.
- Allie Palmer, Planning Consultant for EcoPlexus, continued the PowerPoint and discussed the location of the proposed project. She explained that this proposal is for the 272 acres located at the Northern side of Aucilla Highway. The Southern portion which was originally documented has been removed. She reviewed the 2020 Solar Ordinance and explained that EcoPlexus is asking for a Special Exception and Major Development. She displayed the site maps and explained that the applicant is proposing a 200-foot buffer in the areas with adjoining neighbors and 100-foot buffer in all other areas. She added that they would not be engaging the wetlands.
- Mac Flores continued the discussion by explaining they have met and exceeded all the required criteria that is in place by the County. He added that during the life of the project EcoPlexus will use minimal to zero pesticides and herbicides, other than what is currently being used by the landowner. He added that there will be no adverse effects from this project to the neighbors.

- Opened the floor to Commissioner Questions:
 - Commissioner Odom asked, what pesticide is currently in use?
 - Mr. Flores stated that currently there were no pesticides being used but if needed it would be at the discretion of the landowner.
 - Commissioner Odom asked, what happens to the solar panels and cells when the project ends?
 - Mr. Flores explained that all the panels and components are gathered and recycled, they would never leave anything on site.
 - Commissioner Odom asked for clarification regarding the buffer, if there is a 25-foot fence buffer in addition to the 100-foot land buffer, in essence there will be a total of 125-foot buffer?
 - Mr. Flores stated yes.
 - Commissioner Walker asked, what is the projected life of the project?
 - Mr. Flores stated that projects of this size last anywhere from 30-40 years, specifically this project we are not sure of.
 - Commissioner Odom asked if the boundary survey was conducted.
 - Mrs. Palmer stated that they had it and could leave a copy with staff.
 - Commissioner Seabrooks asked, how are the panels installed?
 - Mr. Flores stated that typically the beam goes 6-10 feet into the ground and then the racking is installed on top. He stated that this is a quick process. He added that as far as natural concerns these are the same panels which are installed in Louisiana and the Carolinas and can withstand hurricanes. If any damages occur, they are fixed immediately.
 - Commissioner Seabrooks asked about the cultural plan.
 - Mrs. Palmer stated the boundary survey and cultural resource review were conducted and could be left with staff. She noted that the cultural study showed no findings on the property and within a certain boundary to the site.
 - Commissioner Schwier clarified there were no findings on the cultural study.
 - Mrs. Palmer stated yes that is correct.
 - Commissioner Odom asked, of the 676 approximate acres only 270 acres are being proposed for use?
 - Mrs. Palmer stated yes for the panels and related infrastructure.
 - Commissioner Schwier, were the wetlands field delineated?
 - Mrs. Palmer stated yes that was previously done.
 - Commissioner Schwier asked, has the Water Management District approved the delineation?
 - Mrs. Palmer stated she did not believe the District had been to the site yet and that the DEP process has not begun at this time
 - Commissioner Schwier reviewed his concern for additional data regarding the decommissioning of the panels as the only provided information was a figure.
 - Mr. Flores explained that this information could be provided.
 - Commissioner Schwier noted that he would like to recommend having a 3rd party engineering consultant review.

- Mr. Flores agreed.
- Commissioner Schwier explained that his main concern was the stormwater issue, more specifically how the water will be handled prior to reaching the swales.
 - Mrs. Palmer explained that Mr. Brady Walker was on the Zoom call tonight, and he is an engineer who has been involved with the stormwater design for this project.
 - Attorney Shirley swore in Mr. Brady Walker to give testimony.
 - Commissioner Schwier then redirected to Mr. Walker.
 - Mr. Walker explained that the stormwater concern moving from a forested system to a grass system was understood. From the DEP standpoint the panels are viewed as a pervious system because they are located above grass and designed at an angle whereas the substation is viewed as an impervious surface. There is a relatively small amount of impervious surface, estimated 10-15 acres on a project of this size. He added that because part of the project is located in Suwannee Water Management District and the other is located in Northwest Florida Water Management District, they review their manual on the 8 critical storms and operate based off of the worst-case scenario. In doing the final stormwater design they meet those criteria. At this stage, the basins and swales have been demonstrated to show the acreage need is met for a project of this size, to show that the requirements can be met. He added that in the final design the swales will be appropriately sized and located in a more precise manner.
- Commissioner Schwier noted that his concern is for the ground under the panels. He stated that a lot of the land South of Aucilla Highway was in a floodplain and was already prone to flooding. He wants to ensure that this project will not release concentrated flow too quickly.
 - Mr. Walker explained that would be addressed during the permitting process. He added that DEP would not grant a permit unless they can demonstrate that the runoff conditions onsite have been improved. He attested that he has been working on solar projects since 2017 and the biggest concern communities have is the additional runoff. He reiterated that we work closely with DEP and if there is an issue or an area of concern we can create a larger swale, a retention area or potentially create a small berm to ensure that the flow is retained onsite.
- Commissioner Schwier asked, what is DEP's role in permitting?
 - Mr. Brady explained typically in residential development the Water Management District is involved but with this project being an energy generating facility, DEP is authorized to issue the ERP on behalf of the State. He added that all solar sites in the State of Florida from an ERP standpoint are permitted through DEP.
- Commissioner Schwier noted that if brought to a motion he would like to include a condition where the County gets to review the stormwater plan during the building permit process.

- Commissioner Schwier noted his concern for the trees. He stated that he appreciated the report which was given in identifying that only half of the trees on the site would be removed. In his review he had concern for the area along the creek (referenced diagram C-202), he urges the applicant to revisit and see if there is any chance of preserving some of the trees as some of the Live Oaks were over 70 and 80 inches and are very significant.
 - Commissioner Odom asked, would this be a requirement for approval or just a suggestion?
 - Commissioner Schwier said if anyone wanted to make a motion.
 - Mrs. Palmer stated that would have to be looked into.
 - Commissioner Schwier added that most of them could potentially be worked around or limited panels in those areas, he noted that there was one in the middle which could not be saved.
 - Mrs. Palmer stated they would be open to that suggestion.
- Attorney Shirley directed Mrs. Palmer regarding the submitted package:
 - Referencing the Project Narrative were you primarily responsible for preparing this document-Mrs. Palmer answered yes.
 - Would you agree that the referenced requirements for Special Exception and Major Development criteria were met-Mrs. Palmer answered yes.
 - With each of those instants the criteria are noted, and response given as to how the project complies-Mrs. Palmer answered yes.
 - Do you have an opinion on whether this project satisfies and is compliant with criteria which was reviewed in your project narrative-Mrs. Palmer answered yes, we believe that we are in compliance with the criteria noted as well as the Solar Ordinance.
 - Are you a professional planner-Mrs. Palmer answered yes.
 - Are you a member of AIPC-Mrs. Palmer answered not but I am a member of APA.
- Attorney Shirley stated that he just wanted to clarify those points for the record.
- Commissioner Schwier noted the conflicts regarding the wetland buffer. The plans show different setback requirements of 50, 80 and 100 feet. He just wanted to clarify that the County setback is 80-feet.
- Opened the floor to Citizen Comments:
 - Mary A. Howard, resident, stated she is about 1-mile from Highway 19, and she is in the wetlands. She noted that when it floods a heavy rain, it floods. She referenced a point when family members got stuck in the road which there is official record of. She added a time when the rain was so bad, they had to have a boat to access their home. She stated we have enough water in our area, we don't need any more flood water brought in.
 - Commissioner Schwier asked for clarification of her address.
 - Mrs. Metty referenced the map displayed, she is on the North end of Curtis Mill Road, lot 23.
 - Commissioner Schwier noted that he was concerned for this also.

- Byron Arceneaux, resident, opened by stating he is not sitting up on the Board tonight as he does not want to be distraction, this meeting isn't about him it's about the application. He noted that he has been designing solar sites since 2014 and is available to answer any questions. He stated that the decision tonight isn't about whether someone should be able to development a solar farm or property rights, it's about whether the application meets the requirements of the County ordinance. He feels it does not. As an engineer he feels the applicant put forth the minimum amount of effort to try and see what they could get approved. He stated that the application has lacking, conflicting and incorrect information; simply put it is not adequate for the issuance of a final development order. The plans provided with the application were conceptual at best. The County Code requires actual development plans be submitted for a Special Exception. He added that the Code also stated the plans should be closer to complete for a Major Development Non-Residential. He pointed out that the plans submitted state Preliminary Design Plans. He quoted Code Section 9.15.5E; when the BOCC votes next week, they are voting for a final development order, not conceptual or preliminary. The plans submitted are not ready for that. He added that of the points he will be referencing none of them are secret and that the applicant has a large enough group of engineers to work on figuring this out. He added that he doesn't understand how the applicant cannot get this correct, they didn't get it right last year or this year. He quoted Code Section 9.4.4.B; these are required to submit not to be given the night of a meeting. He quoted Code Section 9.4.1.B.3; these designs are nowhere near final design. Added that they could not be given to a contractor to begin building. He quoted Code Section 9.4.4.D.1.C; applicant narrative stated this was provided but it was not. He quoted Code Section 9.4.4.D.5; culverts along Aucilla Highway are not referenced. He feels this is important because the biggest engineering impacts are stormwater runoff. There will be an increase in runoff. Currently there are approximately 5 culverts along Aucilla Highway, downstream this project, there is no information provided regarding the impact this project will have on the culverts. He stated that Code requires stormwater documentation to be provided when the application is submitted not after a decision has been made. He quoted Code Section 9.4.4.D.8; this information was not provided. He quoted Code Section 5.3.4.B.4; this has not occurred. He stated he feels the following points are enough for denial. He quoted Code Section 9.15.5.C; no indication has been given of a review, not even preliminary. He added that a review should be completed before given to the Planning Commission, DEP is the expert. He quoted Code Section 9.15.4.B; some of this was shown but not only in conceptual detail, no sizing information on swales. He quoted Code Section 9.15.4.C; this was only provided in conceptual form. He quoted Code Section 4.4.2; he stated that C-501 in the drawings submitted show basins but no provisions. He noted that in violation of the Solar Ordinance there is no decommissioning information provided. He stated that the estimate provided in the narrative given was the same as last year and is concerning because basic information was incorrect. He also questions how the

estimate can be the same as last year when there is about 30 acres less this year. He feels that the applicant lacked detail and effort in the application, there were common math errors and noted George County not Jefferson County. He added that the buffers are inconsistent sizes throughout their application. He noted page 202, between parcels 14 and 18 have residential area without noting the 200-foot buffer. He summarized that his opinion is the application was sloppy and lacking basic requirements and it would be inappropriate to approve with conditions. He feels the Planning Commission should deny this application based on these reasons as this is the biggest development in the history of our County.

- Randy Wheeler, resident, opened by bringing to the record his objection. He noted that all meetings have had a certified letter. He noted that this meeting was not noticed through certified mailout. His issue is that an example was set by having a certified letter sent out for each of the previous meetings even if they were a continuance. In his opinion tonight's meeting should not be taking place. He also wants to make note that he is in agreeance with Mr. Byron Arceneaux for denial based on the fact the additional documents should have been submitted with the application, not after the Planning Commission votes.
- Michelle Arceneaux, resident, opened by saying the Code specifies that a Public Hearing cannot be scheduled without a complete application. She feels that the County has gone out the way to accommodate the applicant and they still have not met the County requirements. She stated that buffer information was not provided. She added that the area has been recently timbered and is not heavily wooded. She states that no one has contacted the surrounding property owners even though the Code suggests it should be done. She noted the survey with meets and bounds, development plans, plans closer to final design, and the reviews by all permitting authorities have not been completed. She continued by saying that this application has been piecemealed together since September and is still not complete. She mentioned that the numbers have not been updated even though there is roughly 30 acres less than there was initially. She also wants to note that on October 22, 2021, Mrs. Metty requested the buffer information and lighting information which has still not been submitted. The property has been under contract for 6 years and this is all the information we have. Our Code suggests that neighboring property owners should be contacted to discuss concerns, she attested that she was personally contacted and arranged a meeting which never occurred. Then in the Fall a meeting took place at the Opera House, she stated that she was never notified but had heard from another neighbor. At that meeting there was a minimal amount of information given about the project. She also wants to point out that in February they stated the property was going to be leased, their signs also state that, in a Zoom meeting they even discussed how it would remain generational land. Now she has found out that it is under contract to be sold over 6 years, not a lease. This is scary. She stated that she has researched Duke Energy and solar farms and the tax advantages they receive if they buy the land from the solar agency. This is scary because if a public utility buys this energy, they will not have to follow any of our rules. She feels that it is

not enough to trust that the applicant will follow the rules after being approved. She added that she is not against development or property rights but feels that the applicant should be held and made to follow the rules as this is the largest development in the County. She quoted Code Section 9.4.5.1.C; her opinion is this application is not in compliance.

- Open the floor to additional Commissioner Comments:
 - Commissioner Odom quoted Mrs. Metty's recommendation, her question is that it is understood that this plan is conceptual if approved and sent to the BOCC is it a done deal or will the conditions stand? She wants to see the boundary survey, structures and driveways and how neighbors will access their property. What are we approving tonight if a motion to approve is presented?
 - Mrs. Metty the recommendation is to approve, the final development order would not be issued until the conditions are met. Building permits would not be issued until all documents are received. If there were any major changes then the project would come back to the Planning Commission.
 - Commissioner Odom asked Attorney Shirley if that was correct.
 - Attorney Shirley stated yes. He added that there are a lot of stages in plan details. Structures go before the building department. The dilemma is the applicant feels that they have supplied enough detail to comply with requirements at this stage. He understands that there is a disagreement about the level of finality which should be required. The code says that plans on the more final side are preferable, you can ask the applicant why that is.
 - Commissioner Odom asked, what is the reason for why the documents are not more finalized? She stated she is not trying to kill the deal, just trying to understand.
 - Mrs. Palmer stated that typically when presented to a board it is unknown if it will be approved. We are presenting tonight to be granted the Special Exception for solar use. As Attorney Shirley indicated getting the plans together and submitted to DEP and the State it is quite a large, detailed package and we would be willing to provide that at the County level once we know the County is accepting of the use as it is an expensive process.
 - Commissioner Odom asked when DEP reviews they will look at the water flows?
 - Mrs. Palmer stated yes DEP will not allow this project to make anything worse than it currently is. Impacts must remain onsite.
 - Commissioner Odom asked for clarification that the vote would be to allow the applicant to pursue the special acceptance but not necessarily build as the final orders have not been submitted.
 - Attorney Shirley, stated the applicant is required to go to a level of finality that demonstrates clean compliance of the Code, they do not have to go beyond that. On the issue with DEP permit, there is a state law that prohibits the County from delaying the decision based on their approval.

- Commissioner Schwier stated that when the applicant applies for the State permit their documentation should be at about 60% complete and drainage should be finalized. As for tonight they should be somewhere between concepts and 60%.
- Commissioner Odom asked would this come back before the Planning Commission a second time after the DEP process.
 - Commissioner Schwier answered no we would be done.
 - Attorney Shirley stated unless they add more solar panels or make radical site plan changes.
 - Commissioner Schwier doesn't foresee if coming back before the Planning Commission because they have occupied all the evidence required.
- Commissioner Wheeler stated that if Mrs. Metty made a request of the applicant and they failed to meet that request, what then? He added that in his opinion the application is about 80% short of complete.
 - Mrs. Odom asked, what was not provided that was requested?
 - Mrs. Metty stated that off the top of her head it was just the lighting report. She added that she believed the only lighting was going to be around the building in the interior.
 - Mrs. Palmer stated that there was not any proposed lighting as the site would not be occupied by people at night. In response to the concern for glare coming from the panels, these panels absorb light not reflect. These are the same panels used around airports.
 - Mr. Shirley added that the information was on page 11 of the project narrative.
- Commissioner Odom stated that she study this project as well as the code and does not see where the project does not stand up to the Code. She added that she is with Mrs. Metty's recommendation with the exception of what Chairman Schwier noted about the trees. (She noted that she was not making a motion at this time).
- Commissioner Schwier asked if the BOCC approves, what is the next process, will the County review building plans or is there a building permit required for this project. He would encourage a requirement of an engineer review and not count on DEP to review.
 - Attorney Shirley stated that yes the Building Official would review a detailed set of building plans that is required.
- Commissioner Schwier asked, can we require the Building Official to seek a third party recommendation?
 - Attorney Shirley stated that if the Building Official feels he is not capable of doing a technical review then yes he can make a recommendation that we hire a third party to review. He added that he is a licensed building official.
 - Commissioner Schwier noted that the building official is not a licensed civil engineer.

- Attorney Shirley apologized for the freeform debate. He added that the actual construction of the panels are more off the shelf technology and he does not feel that it presents for a complex review.
 - Commissioner Schwier stated his concern for DEP's review competency.
- Erin Tilton, representative for EcoPlexus, presented a rebuttal to some of the questions and concerns which have been raised. As it has been pointed out there is a difference of opinions as to the application being complete. She stated that she is here on behalf of EcoPlexus and feels County Staff and County Attorney would not have allowed this meeting to take place had the application been lacking. She added that County Expert Staff has also stated the application requirements have been submitted. She also noted that their expert planner has testified that the application does comply with all Code requirements; that testimony constitutes competent substantial evidence that can be used in a court recommendation of approval. Our staff has testified this evening, that they are happy to provide additional documentation at the County's request. She added that these documents are not required to be submitted but the applicant is willing to work with the County as this project has a 30-40 year life and they want to ensure a good relationship throughout its duration. She stated that this is not just EcoPlexus coming in, developing a property and leaving; they are going to be in the County for a long time. Again the applicant is happy to provide any requested documentation however it is not required to deem the application complete. She addressed Chairman Schwier's concern for a third party review, she stated that if the County wished to make that a condition for approval they were okay with that and the applicant was happy to volunteer to cover those expenses. She wanted to be very clear, nothing can be started without the State level permit and the applicant has no problem with the County making that a condition.
- Attorney Shirley had the applicant move the application in to the record.
- Erin Tilton agreed to have the application, staff report and all attachments moved into the record.
- Michelle Arceneaux, noted in her opinion the application is clearly not in compliance with the Code and it is the duty of the Planning Commission to ensure it meets Code. She stated that one of the items Mrs. Metty requested back in October was the Boundary and Buffer Information and the applicant is supposed to specify where they will supplement and where they will not; they have not done this. She stated that her interpretation is the applicant was supposed to submit comments from DEP, not necessarily the permit, but comments; this was not provided. She feels there is a lot of stuff that hasn't been completed. She noted that the narrative does not state the project will not have lighting. The Code states development plans should be closer to complete, these are not.
- Commissioner Odom interjected and asked if the testimony given tonight stands?
 - Attorney Shirley stated yes Mrs. Palmer was sworn in.
- Byron Arceneaux, resident, not sure if the Board was not listening when he was up before but he listed about 12 items with Code Sections that were not provided by the applicant and should have been regardless of what Mrs. Metty states. He

added the construction phase lines and schedule are not shown. He noted that the most important thing is Code Section 9.15.5.C. which he quoted; to the best of his knowledge that did not happen. He added that it is only in the Code for Special Exceptions and he feels that it is there for a reason because Special Exceptions should be held to a higher standard, allowing items to be completed on the back end is what a Major Development does. He stated that once the BOCC votes next week, it's done. The applicant will go to DEP and get the permits and begin work. There is not a need for building permits.

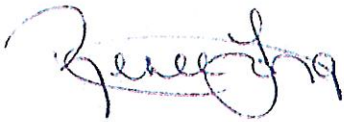
- Commissioner Schwier asked Attorney Shirley to elaborate on that Section.
 - He stated that the way it is typically applied is to include County agencies. He noted that the State agencies will not make a comment on an application that is outside of their permitting process. They have a well-defined license procedure that they have to follow. Until they are there, an agency will not make comments. We (the County) do the same thing. That really is a fairly non-productive practice. The one thing he would point is that the application does have a petition for determination of land for wetlands. Not sure that it was clear on the record. It has not been finalized but is pending.
- Commissioner Odom, going back to the lighting issue, it was noted in the letter from Kimley Horn on page 11 number 5. She stated that the letter does discuss about the landscape buffers and is very specific, page 6 and page 10. She added that she is not for or against this project she just wants to make a fair decision.
- Byron Arceneaux, resident, stated that he spoke to Suwannee River Water Management District (unable to make out the name) and she basically said they would not come out which is a little concerning.
- Commissioner Schwier stated that the wetlands which have been displayed on the plans seem to be more than what were shown on other public databases.
- Byron Arceneaux, resident, added that in his conversation with Suwannee River Water Management he asked what if there was someone who was filling in wetlands. (unable to make out the name) stated they would only come out if there was a compliant. He feels at that point it is too late, if someone has already improperly filled in wetlands.
- Attorney Shirley addressed Mr. Arceneaux and asked why would Suwannee River Water Management come out?
 - Mr. Arceneaux answered the applicant had letter where they requested DEP to come out.
 - Attorney Shirley stated they had a petition for DEP. DEP has jurisdiction over this project, not Suwannee Water Management.
- Commissioner Odom asked, wasn't it testified that the wetlands delineation was completed? Did a botanist come out?
 - Byron Arceneaux and Commissioner Odom had conversation to this point (unable to differentiate what was being said).
 - Mrs. Palmer interject that the application process is not that far down the road. She added that DEP would be agency that is responsible for the site

- because of the solar use, not the District. She added that the wetlands were delineated by an environmental consultant.
- Commissioner Seabrooks asked per Section 9.15.5, our options are we can approve this project with or without conditions or deny the project?
 - Attorney Shirley stated you are making a recommendation to the BOCC to approve or deny.
 - Commissioner Seabrooks questioned in the letter dated the 15th to Mrs. Metty from Mrs. Eloise, stated that they would provide an ALTA report and Cultural Report. If there is a recommendation with conditions she would strongly urge the Cultural Report be included in terms of historical artifacts and ancient burial sites.
 - Attorney Shirley stated that the Cultural Survey is required by the State.
 - Mrs. Palmer stated yes that is correct.
 - Will Boyers, resident, he stated he is a historical curator. His understanding is that a Cultural Report was conducted. He is interested in seeing why it was noted that there are no cultural resources as he knows that to be incorrect. He stated that the area being discussed was part of two historical plantations and there are resources on all sides of this project. As a scientist he doesn't want burden on property rights but as an archaeologist he knows from historical documentation that there have been multiple uses to that area both from the plantation days and share croppers. He added that in 1867 and thereafter there were several groups in that area who used it not just as living area but also cemetery area; also the Native Americans who resided at sites close to wetlands. He added from an archaeological and legal standpoint, Florida Statute 8.72 forbids the disturbance of human remains and added that it is a felony. He also noted that burial sites are one of the sites that cannot be built over or paved over.
 - Randy Wheeler, resident, he asked what about the points which Mr. Arceneaux noted that are missing? An incomplete application should be denied, in any department. He added that Mrs. Tilton stated they would be willing to do more if requested should be a red flag as they didn't complete what was required. Mr. Arceneaux pointed out section for section that shows this application to be incomplete. This application should be 100% complete before the Planning Commission approves it. He wants to be clear that after tonight's vote this project is out of their hands forever, it will go to the County Commission. If they approve it it's out of the County control. If someone like Duke Energy buys the land, as public utility they will not half the requirements as it does now.
 - Open the floor to a motion and a vote:
 - Commissioner Wheeler noted that he feels the applicant submitted enough to be around 25% complete. He motions to deny.
 - Commissioner Odom asked if we deny it tonight, do we allow them to resubmit after outlining what we require?
 - Attorney Shirley stated that yes if the recommendation is denial and the BOCC denies it has to specify the reasons for denial both factual and legal reasons, the Code directly requires.

- Commissioner Wheeler stated that on the documentation Mr. Arceneaux presented that is what he submits as his motion for denial to the BOCC.
 - Commissioner Schwier added that he would include the two items of the Boundary Survey and the Cultural Resources Report.
 - Commissioner Schwier clarified the motion on the table to deny based on the evidence presented and to include Boundary Survey, Cultural Study, and more information on storm water; also per Code Section 9.15.C an Agency Review.
 - Commissioner Wheeler made it clear to include Mr. Arceneaux's information on the record and recommend denial to the BOCC based on those points.
 - Commissioner Walker noted that he would like to see more about the berm and storm water runoff plans.
 - On motion by Commissioner Wheeler, second by Commissioner Chancy the denial was called to vote.
 - Vote of 5-1 (Commissioner Seabrooks).
- Agenda Item #3-General Business Continued:
 - Commissioner Odom apologized for extensive questions.
 - Commissioner Schwier stated that there was no need to apologize the input was appreciated.

Commissioner Walker motioned to adjourn at 7:36pm. Commissioner Chancy second motion.
Commissioner Schwier adjourned meeting at 7:37pm.

Respectfully submitted,



Renee Long
Jefferson County Planning Assistant