

## **PORT ST. JOE, FLORIDA**

**MAY 17, 2007**

### **SPECIAL MEETING**

The Gulf County Board of County Commissioners met this date in special session with the following members present: Chairman Bill Williams, Vice Chairman Jerry W. Barnes, and Commissioners Carmen L. McLemore, Billy E. Traylor and Nathan Peters, Jr.

Others present were: County Attorney Timothy McFarland, Clerk Executive Administrator Towan Kopinsky, Deputy Administrator Lynn Lanier, and Assistant Planner Sarah White.

Chairman Williams called the meeting to order at 10:03 a.m., E.T.

### **PUBLIC HEARING / COMPREHENSIVE PLAN LITIGATION**

County Attorney McFarland reported that the purpose of this meeting is to receive public input regarding the proposed Amended Comprehensive Plan which was submitted to D.C.A., which is now in litigation because D.C.A. does not approve of the County's footage for wetlands buffers (of which Fred Johnson has intervened). He discussed that there has been a lengthy negotiation process, and he has a proposed Stipulated Settlement Agreement, but the Board had questions regarding the agreement and requested to have this meeting to receive public input. He further reported that the Board cannot vote on the agreement today, because it must go through an advertising process before adoption, and he presented copies of the Land Use Element of the proposed plan. Tony Arrant, Gulf County Comp Plan Consultant, appeared before the Board to discuss the history of Gulf County's Comprehensive Planning process. He stated that the Board is going to have to address wetlands protection, and the County staff has done an excellent job in negotiating with D.C.A. on a Stipulated Settlement Agreement. Commissioner McLemore stated that approval of this amendment with a 50-foot wetlands buffer would devastate North Gulf County. Commissioner Traylor discussed the affect this would have on landowners who have river-front property that they would someday like to develop, and stated that he will not support the agreement with a 50-foot buffer. Tony Arrant stated that Land Use Element Policy 1.1.9 protects existing lots and parcels of land (they will be held harmless and will be exempt), it would be new subdivisions only. After further discussion by members of the Board, the following individuals appeared before the Board to discuss this issue:

Billy Joe Rish - discussed that D.C.A. does not have the authority to set the wetlands buffer at 50 feet, and stated he would like to intervene in this lawsuit. County Attorney McFarland discussed the lawsuit intervention process, and the only interveners at this point want stricter guidelines.

Commissioner Traylor and Chairman Williams discussed that they want to protect the

environment, but not by devastating the economic development and the rights of the landowners (would also tremendously affect the County's tax base.).

D.C.A. Attorney Kelly Martinson appeared before the Board to discuss the work that has been done regarding the County's amended comp plan, stating that they have also met with D.E.P. to ensure it is acceptable to them. She stated that if the wetlands buffer changes, it will affect the other regulations in the comp plan. Commissioners Traylor and McLemore discussed that 25 feet would be a more acceptable wetlands buffer size, and Chairman Williams stated that he does not feel that they considered the economic impact this will have on the County and its property owners.

D.C.A. Regional Administrator Susan Poplin discussed that D.C.A. did not take this issue lightly, and their main goal is to protect the wetlands. She discussed that 68% of the County is wetlands which are not isolated, and they should be protected just like the wetlands in the Aquatic Preserve. She further discussed that the science to determine what size buffer is needed is not clear (it depends on the situation), and they are trying to protect the natural resources that are there.

Upon discussion that Bay County's buffer is 35 feet, Commissioner Traylor discuss issues happening in South Florida that directly affect the natural resources (pumping sand from the ocean to the beach to construct houses. Chairman Williams stated that he would like to hold workshops on both ends of the County before the Board considers the Agreement, and Commissioner McLemore discussed that the problems on the Apalachicola River are created by states north of Florida. Attorney Martinson stated that the Board should look at the comp plan as a whole, not just the wetlands buffers.

Jay Rish appeared before the Board to discuss that he would like to see scientific test performed regarding water quality, and he also discussed that he is also in a lawsuit with Fred Johnson regarding his development. He stated that he appreciates the Board being open-minded regarding this issue and receiving input from the citizens of Gulf County.

Ralph Rish stated that County Attorney McFarland has done an excellent job in negotiating with D.C.A. on the amended comp plan, and discussed "isolated" wetlands versus "adjacent" wetlands. He stated that there are many lots that could not be developed if they accept a 50-foot buffer, which could adversely affect property owners who are planning to use money earned for potential developments as funding for their retirement in the future. Upon his inquiry, Ms. Poplin discussed that there are counties that have 25-foot wetlands buffers. Mr. Rish stated that he will research this and have a list of them before the next Board meeting on this issue.

Michael Hammond appeared before the Board to discuss that they need to fight this issue because Bay County's buffer is 35 feet and their density is much higher than Gulf County. He also discussed the negative economic impact this could have on residents, stating that 50 feet is not feasible for Gulf County.

Commissioner Traylor discussed all of the actions that the Board has taken to protect the natural resources of Gulf County, and losing 18,000 acres of property is not feasible.

Commissioner Peters discussed that he appreciates the work the County Attorney McFarland, Tony Arrant and D.C.A. have done on preparation of the comp plan amendment, stating he supports the agreement as it stands (the high-quality wetlands should be protected by a 50-foot buffer).

Commissioner Barnes stated that he also appreciates the time and effort put into this process, but he does not want to see the residents harmed by a buffer of this size.

There being no further business and upon motion by Commissioner McLemore, second by Commissioner Peters, and unanimous vote, the meeting did then adjourn at 10:45 a.m., E.T.

**BILL WILLIAMS  
CHAIRMAN**

**ATTEST:**

**REBECCA L. NORRIS  
CLERK**