

LAMAR COUNTY BOARD OF COMMISSIONERS

Public Hearing Minutes

May 20th, 6:00 PM

Administration Building

Present for the meeting were Chairman Traylor Vice-Chair Fletcher, Commissioner Lovett Commissioner Gilles, Commissioner Boyles, County Administrator Townsend, and County Clerk Davidson. The meeting was called to order at 6:00 p.m.

Applicant: Rezoning Application-Residential 3 to C1- Neighborhood Commercial-Justin Laney Frances Street, Tax ID 049

Planning and Community Development Director Buice (Ms. Buice) provided details of the request for a zoning change from R3 to C1 to allow an office and material yard used in the construction of storage barns. This area is located on a county unpaved road steps from Hwy 36 West and is comprised of a mix of single-family homes and duplexes. The Lamar County Comprehensive Plan labels this area as Rural Highway Corridor which asks to limit new commercial development, but if allowed, to have it set back at least 50' from the view of the highway. The Joint Planning Commission board meet last Tuesday and recommended approval with conditions:

- Use of the property is for storage yard of materials and office for building accessory buildings offsite only.
- The property borders along Sudduth Road and Frances Street to be enclosed with an 8'tall opaque fence.
- A 25' treed buffer shall be planted along any property lines that adjoin residential properties along the property's south and west borders.

Public Comments

Justin Laney addressed the board. Mr. Laney said he was born and raised in Barnesville and over the last few years they have migrated into the pole barn business and the more they get into the more pieces they have to have to store their materials. They are not looking for heavy commercial traffic. The request is for a small office space and somewhere to store the materials.

Commissioner Lovett stated the area Mr. Laney is located in is residential. The pieces that he is trying to bring in are big for pole barns and will take a tractor trailer to deliver this. Mr. Laney said most of the deliveries are on gooseneck trailers with an occasional tractor trailer. Commissioner Lovett said he had seen his materials at this location and asked if he had somewhere that was more commercial. Mr. Laney replied that he owns. Commissioner Lovett said he likes what he is doing but this is a residential area.

Commissioner Gilles asked if this request coincides with the future land plan. Ms. Buice said the future land plan calls for Hwy 36 in a rural form. It does allow commercial, but it does say that it should be limited commercial from Barnesville to Thomaston. If it is allowed there has to be enough of a setback or buffer. Commissioner Gilles asked if this applies to dirt roads and Ms.

Buice replied that it is an odd combination of the two. Vice-Chair Fletcher asked if there had been any complaints. Ms. Buice said she had not received any complaints. Commissioner Gilles said she had heard from the neighbors regarding horses, kids, and the roads not suitable for a business. Vice-Chair Fletcher asked Mr. Laney to address the noise concerns. Mr. Laney already runs an agricultural business on this property and in regard to the pole barn business aside from him going out in the middle of the night it is not a 24-hour operation. Mr. Laney said he could speak about the pole barns until he is red in the face about what they look like but until they see them they do not know if they will fit in their car or truck.

Public Comments

No one signed up to speak.

Applicant: Rezoning Application-Agricultural Residential to Residential 2 James Cauthen 146 Hoyt Road, Tax ID 019 025

Planning and Community Development Director Buice (Ms. Buice) provided details of the request. Mr. James Cauthen has applied to rezone 3 acres of his 29-acre tract from Agriculture-Residential to Residential-2. This property borders other agricultural properties with sections of R-3 properties nearby. The applicant property is outlined in blue and the approximate location of the 3 acres is outlined in red. This area is considered Rural Residential in the Lamar County Comprehensive Plan which advises larger tracts with “limited exceptions for 2-acre home sites on working farms”. The Joint Planning Commission board meet last Tuesday and recommended approval.

Public Comments

No one signed up to speak.

Applicant: Rezoning Application-Estate Residential to Agricultural-Residential Jeremy Worthy Community House Road, Tax ID 082 046

Planning and Community Development Director Buice (Ms. Buice) provided details of the request. This request is to change the zoning of 49 acres, from Estate Residential to Agricultural Residential for agricultural purposes. This property, along with multiple others in the area was rezoned from Agricultural Residential to Estate Residential in 2017 as part of the mass county rezoning. This area is considered Rural Residential in the Lamar County Comprehensive Plan which advises to strategically promote land preservation through the support of agritourism, active farming, and use of conservation easements. The Joint Planning Commission board meet last Tuesday and recommended approval with the following stipulations.

- No retail sales from the property
- No commercial hunts
- 50’ undisturbed buffer around pond
- No disturbance below the dam
- Ingress/Egress to farm will be on Community House Road
- No deliveries or pick-up of products on Sundays.

- Use of property is limited to crop farming and forestry only.
- No encroachment of taxi way
- Any future home will be site built and have a minimum of 2500 sq.
- Any future split of the property will have a 10-acre minimum.

Public Comments

Jeremy Worthy addressed the board regarding the rezoning. Mr. Worthy said he was born and raised here in Lamar County and has farmed since 2017 in Lamar County. He assisted with developing Southern Nursery Products and then spent 20 years in Henry County building what he considers the nicest nurseries in the surrounding counties. The nursery he is planning on Community House Road is the same concept only a smaller scale with 25 acres of production space with not much traffic like the nursery operation on Hwy 41. This will be a mom-and-pop type of business, and it will take four to five years to grow these plants. It will be a lot of farming with limited action as far as harvesting and shipping; even though it will be a part of the operation in the future. Mr. Worthy outlined an area on a map along Steeple Chase with a proposed buffer of conifers trees where people will not be able to see inside the nursery operation. The buffer will be inside of the taxi-way which is around 80 feet. Mr. Worthy said he would come in and set off another 20 ft. with a narrow growing conifer and then come behind them with something taller and denser and the back behind them with something even taller like a loblolly pine so eventually there would be a 30 ft. wall.

Commissioner Lovett said the map he presented is already divided. Mr. Worthy said this was an original map that was broken up and there are two or three maps floating around with various size parcels: some two, three and four acres. Commissioner Lovett asked if Mr. Worthy built houses to which Mr. Worthy replied no he does not, but he participated in building his house. Commissioner Lovett said as a farmer, he could loose about \$3,500 an acre for a profitable return on investment and asked if this would work out because normally he does not ask people about their business but what he is asking them to do is to remove this piece out of an HOA and go against the rules of everyone else. Land that is \$10,000.00 to \$11,000.00 an acre in value is now going to be farmland forever and this is difficult for him to comprehend as someone who lives and dies by a spreadsheet. Mr. Worthy said from the time he puts the first shovel in the ground he will need to be there for five years before he makes a profit. He said this is a 20-year investment. Mr. Worthy said this is not about him but rather about his kids. This is about keeping houses out from behind him and from other homeowners who do not want houses there. They have the support of most of that neighborhood. The bylaws that are in the homeowners association clearly shows how they are to be changed inside of the HOA. It also spells out circumstances that could change the bylaws. Mr. Worthy said if they are bringing the HOA into this, then he feels like he has that support.

Commissioner Lovett said he additionally wanted to go to the monthly Family Night in Redbone, and this is more of a social activity, and they did not want to infringe on that. He said that since

Mr. Worthy is the HOA president, they need to decide another time for them to meet and have them involved in this decision. Mr. Worthy said this is all about farmland.

Ms. Buice stated that Vice-Chair Fletcher said the request is to take it out of the HOA and that is not the request. The County and Planning and Zoning do not regulate HOA. If this was rezoned to agricultural and the HOA felt the use of the property did not meet their standards, then this is a civil case between the two.

Elaine Hallada of 131 Steeple Chase addressed the board. Mrs. Hallada stated that Ms. Buice spoke about a rural community although she should also be protecting the citizens that have purchased out there and this was not in her summary statement. Mrs. Hallada said she is totally against this rezoning. Mr. Worthy bought into the community a few years ago and is well aware of the rules and bought into a community with covenants, restrictions, and by-laws. The request was made by Mr. Worthy although Mr. Worthy does not own the property which is actually estate-residential. He has already started planting trees and a tree farm on Community House Road. Their community is a fly-in and equestrian and for residential use only and they are all aware of the rules. They are registered as an estate-residential community, and it is registered in the Lamar County Courts which clearly states all tracts are for residential use only no subdividing and no commercial use and you must abide by the rules. This zoning should remain as estate-residential with a minimum of 25 sq. ft. homes and for residential use only and must abide by the County rules and the HOA. Estate-Residential in Ordinance 2017-07 was adopted by all Commissioners. Mrs. Hallada went on to say that when they bought their lot across from Tract 42 we were told it would never be sold for any reason. It was to be a park light setting for us to ride horses and walk our dogs. Lamar County would benefit from estate-residential; it could be rezoned into 10 acre lots; you would receive a lot more tax money. By keeping it the way, Mr. Worthy wants it you will not benefit from taxes. In estate-residential rules, section 601, it clearly states there are no exceptions to the rules. The Planning and Zoning sent out a package of the original plat without the deeds to the piece of property. If Mr. Worthy wants to buy this property from Mr. Fred Moye that is fine but keep it in it is original zoning. This zoning request should be denied.

Bill Hallada of 131 Steeple Chase addressed the board. Mr. Hallada stated he had been a resident for 20 years and when they received a notice of the request for zoning, they were told that tract 42 was not a part of their subdivision. Mr. Hallada said when the rezoning request was made he was the president of the HOA, and he called the HOA lawyer on behalf of the residents. Mr. Hallada said he submitted copies of the lawyers research, deeds of the property, prior to the Joint Planning and Zoning on May 8th. It clearly showed that Mr. Moye re-recorded the deed in 2001 to include it in the subdivision and subject it to the covenant restrictions of Little Tobesofkee Creek's HOA. Mr. Hallada said he received an email that the documents were received and read but his understanding is that they were never passed onto the members of the Joint Planning Commission board. When they made their decision they thought that this piece of property was not part of their subdivision. Mr. Hallada said that Cindy Bushby gave each one of the board

members a package that included the deed but as far as he knows none of them looked at it. All of the Board of Commissioners received that same package including the deed. Mr. Hallada said the deed has an Exhibit A attached to it that shows that it is a part of the subdivision and is subject to its covenants and restrictions. Every person that bought a tract land in Little Tobesofkee Creek received these covenants and restrictions at their closing. This application with tract 42 is a disregard for their rules, and a disrespect for people living around that area. Mr. Hallada said they were told by Mr. Floyd Moye that this piece of property would never be developed, and he has a letter from him in his sale package. Mr. Hallada said he was against the rezoning.

Elaine Hallada read a statement from Will Hallada (attached to the minutes)

Jeff Mason of Means Road addressed the board. Mr. Mason stated he cares about all of his neighbors but said he does have a problem with an HOA being changed back from its original form being developed into an agricultural community. It will be an active working farm with 20 years of trees being harvested; cleaned, pruned, cut, bushhogged, and hauled off. It will change the look of the neighborhood and hurt the tax value. It will hurt the property value when someone comes into the community to buy a house. It is not an issue with having a good relationship with the neighbors because he does want to have a good relationship with the neighbors. He said he does not want to see this go into a court or hearing to argue for or against a rezoning. This is not the way it should be handled. Many of the neighbors who live in the neighborhood and not outside of the neighborhood who are in the HOA are very opposed to this rezoning. Mr. Mason said he understands that farming is turning into a residential community. He said no one complained when Mr. Floyd Moye changed this 25 years ago to create an estate-residential community for people to have a fly-in and equestrian community. Mr. Mason said he wants it to remain the way it is today and those opposed to this rezoning live outside of the community. He said their property is not directly affected by this financially like those that live in the community.

Laurie Hardesty's comments were read and are attached to the minutes.

Jennifer Willis's comments were read and are attached to the minutes.

Cindy Bushby of 155 Redbone Run addressed the board. Mrs. Bushby stated she owns two pieces of property on Little Tobesofkee Creek Ranch. She stated that the community is equestrian and fly-in and not a tree farm subdivision. She is opposed to the rezoning request from Estate-Residential to Agricultural under the Lamar County Ordinance 2010-16-11.16.10 Section 402 (a) states "no property may have a use in a manner that does not conform to the requirement specified for the district in which it is located". Mrs. Busby said tract 42 is located in a fly-in, equestrian subdivision with an HOA, covenants, and restrictions in Little Tobesofkee Creek Ranch for residential use only. These are filed in the Lamar County Courthouse and in the State of Georgia. Mrs. Bushy stated that Section 408 (c) conditional zoning is attached to a

specific lot or group of lots--not to the owner(s). If ownership of the lot(s) changes, continued compliances with the special conditions must be maintained by the new owner(s) and (d) a tract of land to which special conditions have been attached continues to be subject to all other requirements of these regulations and other applicable regulations of Lamar County which are not in conflict with those special conditions. Mrs. Bushby stated that tract 42 falls under the HOA covenants and restrictions which state that no portion of the 42 tracts in the subdivision can be used except for residential purposes only and no commercial businesses are allowed. Mrs. Bushby stated that Section 409 (d) says that a sign must be posted for a least 15 days prior to the Public Hearing. Mrs. Bushby said the sign was only posted for three days. If it blew down in the storm, whose responsibility is it to put it back up? So, really the residents did not see the sign for 15 days. Mrs. Bushby said that 409 e (4) It must not adversely affect existing uses, and this is breaking their HOA covenants and restrictions. She said under Section 01 of the same code the purpose of estate residential was to establish quiet, low-density neighborhoods with single residents on large lots. These districts are free from other uses. Mrs. Bushby read Section 604 (b) Principle uses are permitted as special exceptions in E-R districts; 1: None. This means there are no special exceptions under Estate Residential. Mrs. Bushby said the HOA attorney has confirmed that tract 42 deed was recorded in 2021 by Mr. Floyd Moye. Mrs. Bushby requested that they deny this rezoning.

Sue White of 129 Redbone Run addressed the board. Mrs. White stated that they purchased a lot in Little Tobesofkee Creek Ranch in 2021 and soon after that they built their home on Redbone Run. All of the paperwork provided from the previous owners and their real estate agents and attorney stated in the HOA covenants that all 42 tracts in the subdivision were zoned estate-residential. They bought their lot because of this zoning and restrictions provided by the homeowner covenants that had been in place for many years. Mrs. White said they do not agree with this application to change the rezoning to residential agricultural. As Commissioner Lovett stated the middle of an established subdivision is not the proper place for a commercial business of any type. Mrs. White said they request that this zoning be denied.

Lacy Worthy read a statement and as requested it is attached to the minutes.

Laura Grace Worthy addressed the board. Ms. Worthy stated she stood before them representing her family and in particular her father Jeremy Worthy. For decades, her family has been deeply rooted in Barnesville, residing and contributing to its growth and character. Behind their 10-acre homestead is 49 acres of overgrown unused land that they are requested to be rezoned. They are proposing one of the lowest impact uses for this land; steady quiet growth, nature doing what it does best. Surrounded by agriculturally zoned land and located near 4 other tree farms. What they are proposing fits the character of the area; it belongs here. If anything, keeping the land zoned residential would be a disruption. It invites the developers to strip, pave it and crowd it. What they are proposing preserves it, protects it, and restores it to something valuable for the

entire community. They are not alone in their support; some neighbors, local farm owners and many others are with them. People who share the same values for preserving farmland instead of watching it disappear under concrete. If you eat food and enjoy landscaping your yard with flower, shrubs, or trees, you are already benefiting from farming and horticulture. These simple parts of life do not just appear; they exist because made the choice to care for land. When you talk about protecting farmland we are talking about preserving the very systems that make our lives comfortable and sustainable. Tree farms such as the one being proposed provide shade, erosion control, wildlife habitat, and clean air. They support the nursery and landscape industry that contributes to the economy. When farming stops, they do not just lose crops, they lose jobs and environmental sustainability, independence and eventually the places they call home. Farming does not happen somewhere far away it happens here and has always happened here, and it needs to continue. It is not just for farmers but for everyone who relies on the food they eat, the trees in their yard and the land under their feet. Supporting this project means making a choice to protect something irreplaceable because once farmland is gone, they do not get it back. Ms. Worthy said her father is not asking for a handout. He is asking for permission to work the land the right way; quietly, responsibly and in harmony with the community. Tree farming is not a business; it is a legacy and tonight you have the opportunity to plant that. Ms. Worthy urged the board not as a daughter but as a member of this community to say yes to agriculture and to say yes to stewardship and to say yes to preserving what makes Lamar County.

Robert Heiney of 746 Community House Road addressed the board. Former Commissioner Heiney (Mr. Heiney) stated he does not live in that community, but he does live close enough to know that when the property was sold the people expected a certain type of living; a fly-in community. He said that former Building and Zoning Dan Gunter agreed with this because he sub-zoned it to Estate-Residential. If they are going to go back from Estate-Residential to Agriculture-Residential that deprives the people of what they bought in the first place and that is not fair. Mr. Heiney said the County needs to get the zoning straight. All too often, the County is inconsistent with zoning. There were farms down Community House Road and now it is flooded with houses. Across the road from him was a tree farm and now it all houses. Tree farms are commercial nurseries, and it is not soybean type farming. This community never expected to have a commercial operation in their subdivision, and it is not compatible with the existing use. Mr. Heiney said he has nothing against tree farms, but he is an outsider coming from New York. He saw farm after farm in Long Island sold to put houses on the land. There is no promise that this property that is being sectioned off for commercial industrial nursery could in fact become a subdivision at some point in the future. Just like the fact you can downsize, by the order of the Commission, you can remove all the restrictions. Mr. Heiney said these people bought into this community a long time ago and it was sold to them as estate-residential and it should stay that way. Mr. Heiney said that is what County zoning is all about and if you are not going to adhere to this, then why even have zoning.

Ryan Davies of 146 Davies Road and Cedar Pond Nursery addressed the board. His nursery is on the corner of Forsyth-Yatesville and Ramah Church Road. Mr. Davies said if you ride by his place, it looks like a golf course. Mr. Davies said he does see both sides. He tries to stay out of politics. As a farmer he would like to preserve the land. He believes there are too many houses in this area, but he knows that people want to live in the rural community. Mr. Davies said he is in favor of Mr. Worthy, and this could help him too, but he also understands the concerns of the people in the subdivisions. Mr. Davies said if Mr. Moye is trying to sell this piece of property it is cutting out money for him and maybe he would rather sell the land and retire. Mr. Davies said if it does go back to agriculture zoning he agrees with the rule of no hunting because there are houses in that area, but he is still in favor of it going back to farming. Mr. Davies said there are not houses on this tract of land and maybe it's not intended for houses. Mr. Davies concluded by saying he sees both sides.

Jimmy Dunbar of 509 Brent Road addressed the board. He said he was born and raised on Sappington Road where that nasty old tree farm is located and the person that was speaking about it can come on over and help clean it up because they are always looking for help. Mr. Dunbar said he was born in the house she was referring to and he never thought about it being all that bad. Mr. Dunbar said he is all far keeping all the land around the area agricultural. Mr. Dunbar said when he was a kid there was nothing but cotton and everyone grew cotton. The Moye's grew cotton, and they grew cotton. Mr. Dunbar said he is all far Mr. Worthy putting in a tree farm for agricultural use. There are enough houses being built in this area and there are a line of houses on Community House Road. Mr. Dunbar said he did not know about the hunting issue because on the top of the sign at the beginning of Community House Road it says the Little Tobesofkee Creek Hunting Preserve on the top of the same sign that says the Little Tobesofkee Creek Ranch. How can you say there cannot be any hunting. If it is agricultural land you can hunt on it as far as he is concerned. Mr. Dunbar said he does not feel the Commissioners have any right to be involved in whatever the HOA says. The HOA can make all the rules they want to, and they can enforce all the rules, but the County should not be trying to enforce any HOA rules. He asked who they were going to send out there to enforce it. Mr. Dunbar said he is all far Mr. Worthy getting this tract rezoned and running a tree farm and maybe he will not run a tree farm as badly as they think they do on Sappington Road.

Jeremy Ogletree of 173 Yatesville Road addressed the board. Mr. Ogletree said he is a full-time superintendent with C.W. Matthews and has built roads and bridges all over the State. Mr. Ogletree says he row crop farms along with hay farming to make extra money. Mr. Ogletree said he did not keep up with the Board of Commissioners and did not know who approved for the land to be estate-residential, but he feels like this was a mistake. Mr. Ogletree said that this is the Redbone Community. He has farmed since he was a little boy and all of his life and whoever owned that land made a mistake. Mr. Ogletree said this is a big tract of land and there are few that large throughout the County. Mr. Ogletree said that Mr. Worthy is his brother-in-law, and he believe he will tree farm the land. He does not see where the board can make the distinction

between row cropping and tree farming. He said he believe everything should be zoned Agriculture and he thought the reason for zoning was to make industrial parks and commercial zoning. He said he had no idea they could zone a farmer off a piece of dirt that God put here. He said he could not believe it. He does not understand the difference from leasing the property from Mr. Moye and planting wheat on it and then hauling it up to the flour mill or plant corn on it and haul it to Forsyth and make chicken feed from it. Mr. Ogletree said he could not believe that if it touches Community House Road separately than those subdivision roads that they could stop a man from farming that ground. Mr. Ogletree said the HOA issue is their fight and said the Board of Commissioners should get involved. Mr. Ogletree said estate-residential in Redbone was a mistake. He said if you have ridden down Community House Road those fields were planted in cotton last year and now there are houses popping up back-to-back. This will never be farmland again because no one is going to farm in their backyard. Mr. Ogletree said they should fight for the farmer just as much as they fight for the homeowners in this County. Mr. Ogletree said this County is an agricultural community in his opinion.

Davis Dunbar addressed the board. Mr. Dunbar stated that someone had already spoken about this tree farm on Sappington Road; buildings are falling. He said he would like to say something about that. That barn was built in 1901. His grandfather bought that farm in the 1930's during the depression and farmed that farm. This is an agricultural community and what draws people here. Mr. Dunbar said he has a son about the age of the daughter of Mr. Worthy who wants to go tree farm as well as himself, who is also a tree farmer. Mr. Dunbar said he does not live here but he loves doing this and he grew up here. He travels through Henry County every single day to get here. Henry County is what Community house road is becoming; houses being built on Agricultural Land. He does not know what happened to Mr. Moye's subdivision but that is word that breaks his heart the most. The Redbone community has always been the agricultural community. His land that has been passed down from generations of his family is going to stay a farm. It is not going to be little houses. Mr. Dunbar said that all of this is based on a misconception. Mr. Worthy is not going to have a row-crop farm, and he will not have barns from 1901. A commercial nursery is a serene type of agricultural, and he cannot image any being upset about putting a tree farm on land that is overgrown now. Do you want to split it up and up little houses on it? He encourage the board to approve this.

Adjournment

Vice-Chair Fletcher made a motion to adjourn the Public Hearing at 6:57 PM. Commissioner Gilles seconded the motion. The motion passed unanimously.

Lamar County Board of Commissioners

Ryran Traylor, Chairman

Jarrold Fletcher , Vice-Chair

Jason Lovett, Commissioner

Ashley Gilles, Commissioner

Truman Boyle, Commissioner

Attest: _____ Carlette Davidson, County Clerk