

**HARRIS COUNTY PLANNING COMMISSION
REGULAR SESSION**

September 19, 2018
7:00 PM

Board Members Present: John Britt, John Brent, Chad Kimbrough, Chris Lintner, Matthew Newberry, Ken Napier.
Board Member Absent: Chance Carlisle. Staff Present: Brian Williams, Community Development Director; Nancy McMichael, Recording Secretary.

1. **CALL TO ORDER.** Chairman Britt called the meeting to order.
2. **MINUTES.** The motion to approve the minutes of the August 15, 2018 Regular Session was made by Mr. Brent, seconded by Mr. Napier, and passed with five in favor (Brent, Napier, Britt, Lintner, Newberry), no opposition, and one abstention (Kimbrough, due to not being in attendance on August 15).
3. **OLD BUSINESS**
 - A. **Decisions of Harris County Board Commissioners.** The following action was taken by the Board of Commissioners on September 4, 2018:
 - (1) Appeal of Ralph Fuller of the Decision of the Planning Commission to Uphold the Administration Decision of Community Development Director. Appeal was overturned.
 - (2) Application of Mark & Terri Braddy for Special Use Permit for a Private Kennel on 10.32 acres on Land Lot 109, Land District 22, Map 088, Parcel 048; current use agricultural; proposed use private kennel; property located at 1101 Moon Road, Shiloh, and zoned A-1 (Agricultural & Forestry). Approved request to withdraw application with condition to allow resubmission in six (6) months.
4. **PUBLIC HEARING @ 7:15 PM**
 - A. **Application of Claude G. Scarbrough, III, to rezone 466.17 acres of property owned by Wildwood Plantation, LLC, on Land Lots 4, 5, 31, 32, 37, 38, 65 & 66, Land District 4, Map 039, Parcels 039 & 046A, from A-1 (Agricultural & Forestry) to CORD (Commercial Outdoor Recreation Development); current use agricultural, farming, timber and leisure; proposed use recreational hunting, fishing, possibly minimal lodging; property located at 7729 Hamilton Pleasant Grove Road, Pine Mountain.**

Chairman Britt called the Public Hearing to order, read the specifics of the application. Claude Scarbrough, applicant, appeared before the Commission and said that he is general partner of Wildwood Plantation, LLC; that his family has owned the property for several years; that they are good stewards of the land; that they enjoy hunting and fishing on the property; and that due to expenses in the upkeep and maintenance of the property, he would like to offer paid guided hunts, fishing, and future lodging; that in addition to what is shown on the application, he would like to include a kennel, since they currently have six (6) dogs but more will be needed for hunts, quail hunting, a kitchen to serve meals to hunters, provide alcohol to the hunters after a day of hunting, guided hunts for Wounded Warriors, fund raising events, and pheasant tower shoots. He explained that pheasant tower shoots are where pheasants are dropped from a tower and up to 28 hunters shoot the pheasants. Responses by Mr. Scarbrough and John Bastastini, his farm manager, to questions from the Commission included that lead shot is used in the hunts; that the shooting for the pheasant tower shooting is “everywhere” around the tower; that the number of vehicles could be up to 28, if each hunter drove a separate vehicle; that there is ample parking for vehicles; that

hunters are transported by wagon to the appropriate location; that they do not have a skeet range; that they utilize a wobble trap to assure hunter safety; no large game hunting, except possibly with Wounded Warrior hunts; that the kitchen would not be a restaurant but would only serve meals to hunters; that there is an old three-bedroom house that will possibly be renovated as a lodge at some point in the future; that initially they will provide catered meals; that while no one lives at the farm because it interferes with family recreational use, there are two missionaries living in the residential area of the barn; that quail hunts are usually from October 1 through March 31; that pheasant is usually from Thanksgiving through the end of February; that there will not be any artificial lighting as hunts will only occur during the day; that the kennel needs to be expanded for up to nine (9) dogs; and that there is currently a buffer, which varies in depth, with interior and exterior fire breaks around the property.

There being no further comments or questions, Chairman Britt asked if anyone wished to speak in favor of the application.

Cory Flynn, citizen, appeared before the Commission and said that he is in favor of the rezoning; that the Scarbrough's are good neighbors and good stewards of the land.

Dickie Fogal, citizen, appeared before the Commission and said that he hunted on the property when it belonged to Callaway Gardens; that he is in favor of the rezoning and intended use; that the Scarbrough's are good stewards of the land; and that he supports the endeavor.

John Bastastini, citizen and farm manager for Wildwood Plantation, appeared before the Commission and said that he owns property across from the subject property; that he would like to see the hunting preserve, once in place when the property was owned by Callaway Gardens and then by Floyd Clements, back in place; and that he is in favor of the rezoning.

There being no further comments in favor of the rezoning application, Chairman Britt asked if anyone wished to speak in opposition.

Debbie Bailey, citizen who is building a home near the subject property, appeared before the Commission and said she is not opposed to hunting, but is concerned about hearing constant gun fire, particularly in relationship to skeet and trap shooting, as such will affect her dogs, sheep and tranquility of the area. Regarding the location of her home in relationship to the subject property, Mrs. Bailey said she is about 3/4 of a mile from the property.

There being no further comments in opposition, Chairman Britt asked Mr. Scarbrough and Mr. Bastastini for rebuttal.

In rebuttal, comments from Mr. Scarbrough and Mr. Bastastini included that no commercial skeet shooting is planned; that the wobble trap and skeet is for personal use and to check out hunter safety; that neighbors adjoining the property aren't in opposition to what is planned; that they do not want to cause a nuisance; that only shotguns will be used; that they will have hunts maybe three to four days a week; that the pheasant tower shoot lasts 2.5 to 3 hours; that at times there could be up to 28 hunters in the pheasant tower shoot; that they are about 700 yards to the closest road so no shotgun pellets will leave the property; and when pheasant tower shoots and quail hunts do not occur at the same time.

Responses from Mr. Scarbrough and Mr. Bastastini to questions from the Commission included that

Discussion included that a special use permits will be necessary for the kennel, particularly since there are currently six (6) dogs and plans to increase to nine (9); that kennels are allowed in A-1 or

C-4 property; that any conditions placed on the rezoning go with the land; that to attract and bring business to the County, consideration should be given for rezonings to vary slightly from the Ordinance requirements; and that the kennel issue should be an administrative issue.

There being no further comments or questions, Chairman Britt closed the Public Hearing and asked that the Impact Sheets be completed.

Mr. Napier asked if kennels could be addressed administratively to which Brian Williams, Community Development Director, said that an Special Use Permit is required for a kennel where there are more than three (3) dogs involved; and that at the hearing before the Board of Commissioners, Mr. Scarbrough could request that two acres surrounding the kennels remain as A-1, thus reducing the acreage to be rezoned to CORD, and apply for a Special Use Permit for the kennels.

Further discussion included that the kennels cannot be grandfathered in due to non-use between various owners of the property; and that the kennels are basically isolated from other areas of the property.

Chairman Britt again closed the Public Hearing, asked that the Impact Sheets be completed, and asked for a motion.

The motion to approve the rezoning to CORD with the conditions (1) to allow commercial hunting and fishing; (2) to allow lodging of up to six (6) bedrooms; (3) to not allow commercial skeet and trap shooting; and (4) to have a 400 foot vegetative buffer around the entire perimeter of the property was made by Mr. Kimbrough, seconded by Mr. Brent, and passed unanimously.

5. **ADJOURNMENT**. The motion to adjourn was made by Mr. Brent, seconded by Mr. Linter, and passed unanimously.

John Britt, Chairman

Prepared by:

Nancy McMichael, Recording Secretary