

**CALHOUN COUNTY BOARD OF COUNTY COMMISSIONERS
PLANNING COMMISSION MEETING
OCTOBER 24, 2017**

PRESENT AND ACTING:

**DANNY RAY WISE, CHAIRMAN
GENE BAILEY, VICE-CHAIRMAN
DARRELL MCDUGALD
JERAL HALL**

**MATT FUQUA, ATTORNEY
CARLA A. HAND, CLERK OF COURT AND COUNTY COMPTROLLER
SARAH WILLIAMS, CLERK ADMINISTRATIVE ASSISTANT**

The meeting was called to order by Chairman Wise at 4:30 p.m., CT.

Mr. Frank Snowden introduced Attorney Mattaniah S. Jahn to the Board. Mr. Snowden explained the company Mr. Jahn represents, Capital Telecom Holdings, LLC would like to place cell towers on two (2) parcels of land in Calhoun County. Mr. Snowden stated all the Planning Department fees have been paid. Mr. Snowden stated both proposed towers would be 255 feet tall guyed towers.

Mr. Jahn stated the first proposed tower location is in Altha, Florida on parcel #34-2N-09-0000-0003-0000 located at the corner of Flatwoods Road and State Road 71 North. Mr. Jahn explained a guyed tower is a tower that involves a thin lattice with wires extending off in three (3) directions. Mr. Jahn provided the Board with a handout depicting the site location. Commissioner McDougald asked what provider would be using the tower. Mr. Jahn stated Verizon would be the tenant on the tower. Mr. Jahn also distributed a copy of the site plan for the Board. Mr. Jahn stated the future land use map shows the parcel for the proposed cell tower is designated as agriculture and currently contains timber. Mr. Jahn stated the current vegetation would serve as a buffer to the visibility of the cell tower to neighboring parcels. Mr. Jahn stated the tower would be 255 feet tall, and Verizon would be located at the top of the tower. Mr. Jahn stated the tower would be designed for additional call locations in case another carrier or wireless user would like to co-locate on the tower. Mr. Jahn stated because the tower is over 200 feet tall, the FAA (Federal Aviation Administration) requires the tower to be illuminated for aviation safety, but would be illuminated to the minimum brightness per the FAA regulations. Mr. Jahn stated the company meets or exceeds all setback requirements stated in the Calhoun County Comprehensive Plan, and the tower is designed with fall zone technology which means it is designed to buckle in the event it were to fail, and would fold over onto itself and stay contained within the parent parcel. Mr. Jahn stated the cell tower is consistent with the Comprehensive Plan and meets or exceeds the requirements of the Land Development Code. Mr. Jahn stated cell towers are allowable in mixed use designations, the tower would exceed all setback requirements, and will not be a nuisance to neighboring properties. Mr. Jahn stated the dense vegetation surrounding the parcel would conceal the tower from neighboring properties; the tower will completely be contained within the parent parcel in the event of failure, and would enhance the neighboring properties by providing the infrastructure of improved wireless communications in the area. Mr. Jahn stated the tower will be unstaffed, secured within a locked compound with barbed wire around the top, and does not require water or sewer services. Mr. Jahn stated the compound would require minimal police or fire protection. Mr. Jahn stated the compound

surface would be composed of gravel to eliminate offsite runoff. Mr. Jahn stated the cell tower would be accessible from Flatwoods Road by a thirty (3) foot easement, and the company will minimize the effects on the environment by clearing the minimal amount of trees necessary for establishing and maintaining the cell tower and compound. Mr. Jahn stated the cell tower would improve the public health, safety, and welfare of the County's citizens by increasing reliable cell service. Mr. Jahn reported on the national level, over 76% of all 911 calls fielded across the U.S. come via wireless phone. Mr. Jahn provided Clerk Hand with a handout showing this statistic. Mr. Jahn respectfully requested the Board recommend approval of the Conditional Use Application to the Board of County Commissioners, and stated he would be happy to answer any questions from the Board.

Chairman Wise stated his only questions were if the tower would have a 100% fall zone in case it were to fall, and if it would be collapsible, which were answered by Mr. Jahn's presentation.

Commissioner Bailey asked if there was a provision for the County to place an antenna on the tower if needed. Mr. Jahn stated as far as he knows, there is not a provision for this in the County's code, however most of Verizon's towers have E-911 technology which allows them to use cell phones like a beacon and would enhance Calhoun County EMS services in this regard.

Chairman Wise called for public comment on the proposed tower. There was no public comment.

- ❖ Commissioner McDougald made a motion to approve the Conditional Use Permit for the proposed 255-foot guyed cell tower on parcel #34-2N-09-0000-0003-0000. Commissioner Hall seconded the motion. The motion passed unanimously 4-0.

Mr. Jahn stated the second proposed tower location is in Blountstown, Florida on parcel #03-1S-09-0000-0001-0301 located on Silas Green Road. Mr. Jahn stated the location is compliant with the Comprehensive Plan and Land Development Code. Mr. Jahn stated the design for the cell tower would be the same as the previously described site, and the parent parcel use is listed under the agriculture land use designation. Mr. Jahn distributed site plans for the Board to review. Mr. Jahn stated the cell tower would be a 255 foot guyed wire tower with Verizon Wireless located at the top of the tower. Mr. Jahn stated the cell tower would be accessible via an easement off Silas Green Road. Mr. Jahn stated they have obtained their FAA determination of no hazard to air navigation on the site, and the tower would be illuminated, due to the height of the tower, to the minimal illumination necessary to meet FAA regulations. Mr. Jahn stated the site meets all necessary setback requirements and will have a 100% fall zone within the parent parcel. Mr. Jahn relayed the elements for conditional approval for the Board, stating the tower is allowable in agricultural land designation areas, will not be a nuisance to neighboring properties, and the parcel is buffered from view by timber north from State Road 20, and a sod farm to the south. Mr. Jahn stated the site would be serviced once per month by pickup truck, and would not be a burden on County Roads. Mr. Jahn stated the cell tower facility would be unstaffed, secured within a locked compound with barbed wire around the top, would not require water or sewer services, and would require minimal police and fire protection. Mr. Jahn stated the surface of the compound would be composed of gravel to minimize any runoff. MR. Jahn stated no clearing on the site would be required, as the area is already clear of timber. Mr. Jahn stated the cell tower would improve the public health, safety, and welfare of the County's citizens by increasing reliable cell service. Mr. Jahn respectfully requested the Board recommend approval of the Conditional Use Application to the Board of County Commissioners, and stated he would be happy to answer any questions from the Board.

- ❖ Commissioner Bailey made a motion to approve the Conditional Use Permit for the proposed 255-foot guyed cell tower on parcel #03-1S-09-0000-0001-0301. Commissioner Hall seconded the motion. Chairman Wise called for public comment on the proposed cell tower. There was no public comment. The motion passed unanimously 4-0.

Attorney Fuqua stated he would prepare a Conditional Use Permit if the applications are approved by the Board of County Commissioners, and would bring for signature at the next Board meeting. Attorney Fuqua asked Mr. Jahn if he would like his presentation carried forward to the minutes of the regular Board meeting and Mr. Jahn agreed.

Mr. Jahn inquired from Attorney Fuqua clarification on the building permit fees for the cell tower projects. Attorney Fuqua stated he does not have the fees with him, but if Mr. Jahn will email his questions, he will forward them on to the building inspector and get a response for him.

Attorney Fuqua suggested the Board recess until 5:00 and then start the public hearing for the Comprehensive Plan amendment since it was advertised in the newspaper to start at 5:00.

Recess at 4:48 p.m.

Chairman Wise called the Planning Commission meeting back to order at 5:06 p.m.

Mr. Snowden turned the meeting over to Ms. Vinette Godelia with the law firm Hopping Green and Sams, who represent Cholla Petroleum to present the Comprehensive Plan text amendment and Land Development Code amendment.

Ms. Godelia stated she is with the law firm Hopping Green and Sams, representing Cholla Petroleum and Neal Land and Timber, who have proposed a Comprehensive Plan amendment and Land Development Code amendment. Ms. Godelia provided the Board with a copy of the amendment of the Comprehensive Plan and Land Development Code, and the PowerPoint presentation she has prepared for this meeting. Ms. Godelia introduced the project team members: Mr. Philip McMillan with Neal Land and Timber Company, Mr. Loyd Powell, Jr, Mr. William Lawson, and Mr. William (Billy) Henley with Cholla Petroleum, Ms. Linda Lampl and Mr. Tom Herbert with Lampl Herbert Consultants, along with herself from Hopping Green and Sams as Land Use Counsel on the project.

Mr. Philip McMillan explained the history and operations of Neal Land and Timber Company. Mr. McMillan stated next year would be Neal Land and Timber Company's 100th year in Calhoun County. Mr. McMillan stated Neal Land and Timber Company is comprised of approximately 42,000 acres of pine timber lands in Florida and 42,000 acres of pine timber lands in Alabama, and continues to operate as a forest land owner in both locations. Mr. McMillan stated the company has a long history of collaborating with companies for oil and gas activities through grants of mineral leases. Mr. McMillan stated the lands owned by Neal Land and Timber Company in Alabama have had about fifty (50) years' experience with oil and gas exploration, and some in Florida since the 1970s. Mr. McMillan stated there are existing wells on lands owned by the company in Alabama that have been in production for forty (40) or fifty (50) years, with no environmental issues arising from these wells. Mr. McMillan stated Neal Land and Timber Company believes oil exploration could benefit the community with the prospect of jobs and extra money being brought into the County.

Mr. Loyd Powell, with Cholla Petroleum, Inc., stated his family has been in the oil and gas business for 101 years. Mr. Powell stated they employ approximately 75 people, and operate over 350 wells in four (4) different states (Texas, Arkansas, Oklahoma, and Colorado). Mr. Powell stated they are currently drilling a well in Texas within 150 feet of a major transmission line. Mr. Powell stated they found this

opportunity in Calhoun County through some friends in Shreveport, MS that they drilled with and have production with in southern Alabama. Mr. Powell stated they have enjoyed southern Alabama, and when this proposal was brought to him, he thought it was a perfect fit for his company as it is one of the last frontier oil basins in the United States that has been underexplored. Mr. Powell stated the regulatory environment in Florida is more complex and costly than other states, which is why many companies do not come to Florida to explore for oil. Mr. Powell stated his company wants to come here despite the difficulties because he believes the possible reserves are worth the effort if successful. Mr. Powell stated it took one (1) year to get a permit from the State of Florida for seismic testing. Mr. Powell stated they correlated these findings with the seismic testing taken in the 1960s or 1970s to establish an area they thought would be oil producing. Mr. Powell stated his company has leased 25,000 acres of land from Neal Land and Timber Company, and believes this could be a game changer for not only his family and the entities his company represents, but for this County and this part of the State. Mr. Powell stated the Jay field has produced over 600,000,000 barrels of oil, which has benefitted everyone in that County in some way. Mr. Powell stated he is excited about the proposed area for drilling after seeing the seismic reports and hopes the Board honors his company with allowing them to proceed forward to look for the oil and gas that supplies a vital need for the country. Mr. Powell stated his company is committed to doing things right, and does not want to have the County's land or anyone else's land spoiled or ruined by the exploration for oil and gas.

Ms. Godelia described for the Board the regulatory framework for the Comprehensive Plan amendment. Ms. Godelia stated Calhoun County is the regulatory agency reviewing the Comprehensive Plan and Land Development Code amendments, which must be sent to the State for comment. Ms. Godelia stated the state agencies and the Regional Planning Council would provide comment on important State and Regional resources and facilities. Ms. Godelia stated the reason this Comprehensive Plan amendment is needed is to get the Comprehensive Plan aligned and to have the County's legislative decision made about how the County sees this kind of business proceeding in the County. Ms. Godelia stated after approval of the Comprehensive Plan amendment, that oil companies would have to come before the County to request Conditional Use Permits before any drilling takes place, so Calhoun County will have full evaluation of any projects. Ms. Godelia stated the FDEP oil and gas programs and Northwest Florida Water Management Districts programs would continue to apply their authority to these projects and applications. Ms. Godelia stated according to Florida Statute 163.3177, when a federal, state, or regional agency has implemented a regulatory program, a local government is not required to duplicate or exceed that regulatory program in its local comprehensive plan. Ms. Godelia stated the County is able to rely on the expert agencies and existing regulatory agencies without having to create a whole set of regulations for the Comprehensive Plan. Ms. Godelia stated they also investigated other counties with oil and gas production and found Collier, Santa Rosa, and Hendry counties allow oil and gas exploration in areas designated as agricultural land use and in floodplains. Ms. Godelia stated FDEP permits are also relied on in making decisions for ultimate approval of the wells. Ms. Godelia stated all these jurisdictions also allow wetland impacts where the Florida Department of Environmental Protection (FDEP) and U.S. Army Corps of Engineers (USACE) permit are approved. Ms. Godelia stated aquifer recharge areas are also allowed with Northwest Florida Water Management District (NFWMD) approval. Ms. Godelia stated these jurisdictions' comprehensive plans speak to these provisions. Ms. Godelia stated in other counties these comprehensive plans have been in place for decades, and there is not the specificity that is needed in regards to oil and gas exploration. Ms. Godelia stated in Calhoun County's case they are following in particular the Collier County example to make sure it is specified as to what exactly the County wants for the review process on oil and gas.

Ms. Godelia discussed with the Board the Comprehensive Plan and Land Development Code amendment overviews. Ms. Godelia stated the current Comprehensive Plan discusses mineral resource

extraction as mining, and the amendment will add language that speaks specifically to how oil and gas works. Ms. Godelia stated the amendment would bring Calhoun County regulations in line with existing regulatory structures and other oil and gas producing local governments. Ms. Godelia stated no changes are proposed for regulations applicable to other forms of mineral resource extraction or other forms of development. Ms. Godelia stated the amendment components limit oil and gas activities to the agriculture 1:10 land use district, require oil and gas activities to comply with FDEP oil and gas exploration and production protocols, allows work in the floodplain subject to the County floodplain ordinance, and allows work in wetlands and high aquifer recharge areas where FDEP, USACE, and NFWMD regulations permit. Ms. Godelia stated for the Land Development Code, they are confirming the practice to have these types of permits come before the Board as Conditional Use Permits so the Board may award the permits with conditions and appropriate limitations. Ms. Godelia stated section 3.13.00 of the Land Development Code would be amended to add oil and gas exploration, development, and production subject to state drilling and operating permits and conditional use approval. Ms. Godelia stated there are twenty-eight existing application requirements, performance standards, and criteria that will continue to apply to the conditional use process, including conditional use application form criteria, which is already present in the code.

Mr. Tom Herbert, a professional geologist with Lampl Herbert Consultants, addressed the Board about local concerns with oil and gas exploration. Mr. Herbert stated one of the issues that has been raised is the protection of drinking water. Mr. Herbert stated in this area of the State, drinking water comes from formations in upper 200 feet of the limestone unit that is the top of the Floridian Aquifer. Mr. Herbert stated three (3) steel casing strings cemented in place would protect this drinking water in the freshwater zone. Mr. Herbert stated in this area there is a fairly narrow zone of freshwater in the Floridian system, and as you go deeper, the water becomes brackish and finally at about 1,200 feet you reach the underground source of drinking water, which is 25-30% seawater. Mr. Herbert stated there would be a steel casing protecting all these areas. Mr. Herbert stated there are also several clay layers that serve as confining units that isolate these water zones, and believe as a whole the steel casings would protect the areas. Mr. Herbert stated oil and gas is a place-based resource that means the pad or well cannot always be clustered outside of floodplains and wetlands, it just depends on what the seismic testing shows as far as drilling locations go. Mr. Herbert directed the Board to a map depicting the areas of proposed sites for well drilling pads. Mr. Herbert stated the sites are not in wetland areas, but are in the 100-year floodplain. Mr. Herbert directed the Board to another map in the presentation depicting other wells in north Florida that are within 100-year floodplain areas.

Mr. Billy Henley, operations manager for Cholla Petroleum, explained the oil and gas operations for the Board. Mr. Henley stated he would oversee this well like his grandkids are going to need to take a drink of water nearby. Mr. Henley stated he would treat everyone's land as he would like his own treated. Mr. Henley directed the Board to a slide with a picture of what a typical exploratory well looks like. Mr. Henley stated the construction of the well pad and drill well would take six (6) to eight (8) weeks to construct, and about thirty (30) days drilling the well. Mr. Henley stated if the exploratory well is successful in finding commercial amounts of oil or gas, the well would move into production phase. Mr. Henley showed a slide with a picture of a typical production well pad, and stated production could last twenty (20) to thirty (30) years. Mr. Henley also presented a picture of a typical producing oil well. Mr. Henley stated the well would be equipped with all the safety equipment, with remote control valves in the event of a catastrophic event occurs that damages the wellhead equipment so there is no environmental damage. Mr. Henley stated if the well were found to be a non-commercial well, the well would be plugged and abandoned properly per State regulations.

Ms. Godelia stated they are requesting recommendation from the Board of County Commissioners for transmittal of the Comprehensive Plan Amendment documents and consideration of the Land Development Code Amendment. Ms. Godelia stated the Comprehensive Plan Amendment would be sent to relevant state agencies for review. Ms. Godelia stated any comments from the state agencies would come back to the County, and then her firm would address the comments and come back before the Board to ask for an adoption hearing for the Comprehensive Plan Amendment, as well as the Land Development Code Amendment, which would create the structure they are here asking for today. Ms. Godelia stated this would allow the state, federal, and regional agencies to take over the drilling, exploration, and drilling process as they have done for decades, that other local governments have utilized over the years. Ms. Godelia stated this amendment would provide for a consistent guide for future decisions on local government's programs, activities, and land development regulations; the amendment is based upon relevant and appropriate data and analysis; reacts to the existing data and analysis in a manner that is appropriate, professionally acceptable, or to the extent necessary as indicated by the data submitted; would maintain internal consistencies within the Comprehensive Plan; coordinates with other governmental agencies approved plans and State policies regarding treatment of oil and gas projects; assists in describing and characterizing uses in the County; and promotes economic growth.

Ms. Godelia respectfully requested a recommendation of approval of the transmittal of the Comprehensive Plan Amendment.

Chairman Wise stated he has invited former Commissioner Godwin from Santa Rosa County to speak to the Board about how the oil boom has affected their county. Mr. Godwin stated he was a County Commissioner in Santa Rosa County for twelve (12) years. Mr. Godwin stated there has been a positive impact on Santa Rosa County since oil came to the County. Mr. Godwin stated oil has generated millions of dollars for the County since 1969. Mr. Godwin presented the Board with a list of projects the City of Jay, where he resides, completed with revenues from the oil wells such as purchasing land, a new fire truck, and street repairs, along with numerous other projects. Mr. Godwin stated they have had no problems or disasters occur from the oil wells. Mr. Godwin stated the revenues from the oil wells have helped to keep their hospital in operation for many years, pave roads, and build new County and City facilities. Mr. Godwin stated the oil field has also provided many jobs for the citizens of the County. Commissioner Bailey asked about Santa Rosa County's advalorem property tax levy. Mr. Godwin stated the millage levy now is six (6) mills, and when he was Commissioner, the millage was lower than that at one point. Mr. Godwin stated this has been a benefit to the citizens of the County.

Chairman Wise opened the floor to public comment.

Mr. William Wallace of Clarksville, FL, expressed his concerns about accidents occurring in the oil and gas industry, the endangered Apalachicola River basin, and water shortage in the state. Mr. Wallace asked the Board to deny the changes to the Comprehensive Plan.

Ms. Rebecca Jetton, 3126 Camellia Wood Circle West Tallahassee, FL, stated she is attending the meeting on behalf of the Apalachicola Riverkeeper. Ms. Jetton stated their mission is to protect the river, wetlands, flood plains, water quality and quantity of the river. Ms. Jetton stated they have written a letter to the Board that has been asked to be included in the record. Ms. Jetton stated the Apalachicola Riverkeeper believes legally the amendment is internally inconsistent with the Comprehensive Plan. Ms. Jetton read for the Board a list of suggested policies the Apalachicola Riverkeeper included in their letter to the County. Ms. Jetton requested the Board meet with the

Apalachicola Riverkeeper to go over these suggested policies and consider including some of them in the Comprehensive Plan Amendment.

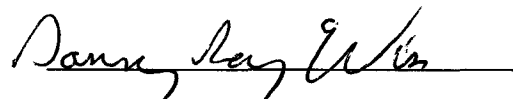
Mr. Bob Rackleff of Tallahassee, FL, stated he is a former County Commissioner in Leon County. Mr. Rackleff stated when he was a Commissioner he relied on facts and not unsupported claims in determining the risks and rewards of projects such as the one before the Board tonight. Mr. Rackleff stated he has been involved in oil and gas issues, and most recently worked at the Department of Energy in Washington D.C. Mr. Rackleff stated he has heard very little evidence that oil and gas exploration in Calhoun County is a good idea. Mr. Rackleff expressed his concern that the FDEP does not have the capability to evaluate this project and asked the Board to deny the amendment to the Comprehensive Plan.

Mr. Seymour Goss of Clarksville, FL stated he lives on the Chipola River and expressed his concern for the citizens of the County if a spill were to occur and contaminate the drinking water, and expressed concerns for sinkholes due to the drilling. Mr. Goss stated he is opposed to the amendment to the Comprehensive Plan.

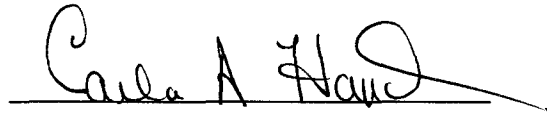
Chairman Wise closed the floor to public comment and opened Board discussion.

- ❖ Commissioner McDougald made a motion to approve Cholla Petroleum and Neal Land and Timber Company's transmittal of the proposed Comprehensive Plan Amendment to the State for review. Attorney Fuqua suggested the Board wait to amend the Land Development Code until a response is received from the State on the Comprehensive Plan Amendment so the Land Development Code does not get ahead of the Comprehensive Plan. Commissioner Bailey seconded the motion. Commissioner Bailey stated he has seen the benefit of oil exploration in Santa Rosa County and has not seen nor heard of any detrimental effects from the Jay Field. Commissioner Bailey stated he is opposed to fracking, but not conventional oil drilling. Commissioner Bailey stated the County could use the potential revenue commercial oil wells could generate, and would like to see 50% of the potential revenues pledged to property tax reductions if oil exploration is successful in the County. Commissioner McDougald stated he is in agreement with Commissioner Bailey. Commissioner McDougald stated the high millage hurts the County economically in regard to job creation and building homes, and the revenue could be used to benefit everyone in the County. The motion passed unanimously 4-0.

There being no further business, the meeting adjourned at 6:00 p.m., CT.


DANNY RAY WISE, CHAIRMAN

ATTEST:

A handwritten signature in cursive script that reads "Carla A. Hand". The signature is written over a horizontal line that extends to the right, ending in a small dot.

CARLA A. HAND, CLERK